relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

521. By Mr. McCORMACK of Massachusetts: Petition of Abraham Davidson, 382 Norfolk Street, Dorchester, Mass., protesting against tariff on hides; to the Committee on Ways and Means.

522. Also, petition of Benjamin Klein, 772 Dudley Street, Dorchester, Mass., protesting against tariff on hides; to the Committee on Ways and Means.

523. By Mr. VINCENT of Michigan: Petition of citizens of Saginaw County, Mich., protesting against a revision of the present calendar; to the Committee on Foreign Affairs.

SENATE

MONDAY, *May 27, 1929*

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	King	Simmons
Barkley	Gillett	La Follette	Smith
Bingham	Glass	McKellar	Smoot
Black	Glenn	McMaster	Steck
Blaine	Goff	McNary	Steiwer
Blease	Goldsborough	Metcalf	Stephens
Borah	Gould	Moses	Swanson
Bratton	Greene	Norbeck	Thomas, Idaho
Brookhart	Hale	Norris	Thomas, Okla.
Broussard	Harris	Nye	Trammell
Burton	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Tyson
Caraway	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walcott
Couzens	Hebert	Pittman	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Reed	Warren
Deneen	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Sackett	Watson
Edge	Kean	Schall	Wheeler
Fletcher	Kendrick	Sheppard	
Frazier	Keyes	Shortridge	

Mr. HASTINGS. I desire to announce that my colleague the junior Senator from Delaware [Mr. TOWNSEND] is unavoidably detained.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

THE JOURNAL

Mr. JONES. Mr. President, I ask unanimous consent that the Journal for the calendar days beginning Thursday, May 16, to and including the calendar day of Saturday, May 25, may be approved. This action is necessary in order that the Journal clerk may deal with the Journal for that period.

The VICE PRESIDENT. Without objection, it is so ordered.

THREAT ON LIFE OF SENATOR HEFLIN

Mr. HEFLIN. Mr. President, I send to the clerk's desk a copy of a part of a letter addressed to me, which I wish to have read. I hold the original in my hand, mailed in Detroit Saturday morning at 11 o'clock and arriving in Washington at 8.30 yesterday morning. There is one name or piece of information in it which I have kept out for reasons I think good. I ask for the reading of the letter.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

Hon. Senator HEFLIN:

At the risk of my life I am warning you of a plot carefully planned to kill you. This reached its final stage last night. Two men and a woman are now on their way to Washington to execute the plans, which are to assassinate you on the road, moving up to your car, shooting at you with dum-dum bullets, and speeding away. The license plates at the right moment will be reversed by a mechanical device. On a road from the city the woman will meet the two men and exchange cars with them. They will seek to kill you in a Packard and escape in a Ford. The firearms will be dropped in a sewer. Frankly, I am not your admirer, but I refuse to be your murderer. I was until this morning a member of a group that planned your destruction, a committee of six, who voted last night unanimously upon the plan which I am warning you of. It was not my proposal, thank Heavens. No; it was not mine, and I pray to God that you get this warning in time to save your life and my peace of mind. I had nothing to do with it. I merely cast my vote with the others in a frenzy of mad fanaticism. I have not slept; I can't forgive myself even for becoming a member of that committee. I have never before harbored even a suggestion of blood in my mind, so help me God. God knows it was not my influence that resulted in last night's action. The man who did it is the one who will shoot the dum-dum bullets at you from the death Packard. His climaxing expression last night was, "If they assassinated a man like Lincoln, shall we stop at a ——— like HEFLIN?" Then, hot-headed, we all voted and swore death for the betrayer of the cause. He called it a holy cause, but I did not realize that it really meant murder until I went to bed. I did not sleep a wink; my conscience tormented me; and I'd rather be a squealer than an assassin. But the others won't get me; they won't. I've outsmarted them, the dirty blood-thirsty devils. In a sealed envelope, addressed to the Detroit police, I have given every name concerned in the plot and full details. This envelope is held in trust by my close friend, an employee of ——— and will immediately surrender it to the police should any retaliatory measures be taken against me, who, with a clear conscience, sign myself,

NOT A MURDERER.

Mr. HEFLIN. Mr. President, I have the information as to the party to whom the letter addressed to the Detroit police was turned over. I withhold that information for the present. I wanted to have that much of this strange document read to the Senate in order that the Senate and the country may know what is going on regarding me and the fight I am making here against the un-American and dangerous activities of certain Roman Catholics. I have received a number of threats from time to time. I have turned over some of them to Government detectives for investigation, but I have never had a single report on one of them.

I decided to bring this matter to the attention of the Senate. I do not know what is back of this thing, but I am thoroughly convinced that no public man who has incurred the displeasure of Roman Catholics has ever been killed until Roman Catholic priests and other Catholic leaders have met in secret and pronounced the death sentence upon him. Mr. President, I shall continue to do my duty as God gives me the light to see it. These threats will not frighten or intimidate me. I am calling attention to Catholic doings that threaten free government in America. I do not know what may happen to me, but I want the Senate and the country to know that I believe, as God is my judge, that if anything does happen to me it has been arranged and decreed in advance by the Roman Catholic authorities in the United States.

If I am murdered, it will be because I, an American Senator, have dared to expose the dangerous activities of Roman Catholics, and my death would be the direct result of a Roman Catholic conspiracy to murder me.

SUGAR AND OTHER PRODUCTION COSTS

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Tariff Commission, transmitting, in further response to Senate Resolution 60 (by Mr. WALSH of Massachusetts, agreed to May 16, 1929), a copy of the report of the commission to the President upon its investigation, for the purposes of section 315 of the tariff act of 1922, of the costs of production of cotton hosiery, which, with the accompanying report, was referred to the Committee on Finance.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of the House of Representatives of the State of Michigan, memorializing Congress to amend the Federal income tax law so as to provide for the downward revision of taxation on earned incomes and to equalize as far as possible the burden of taxation, which was referred to the Committee on Finance. (See resolution printed in full when presented May 23, 1929, by Mr. VANDENBERG, p. 1792, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to increase the duty on farm products and products that enter into the manufacture of substitutes for farm products, such as oils and fats and copra, which was referred to the Committee on Finance. (See joint resolution printed in full when presented May 21, 1929, by Mr. BLAINE, p. 1596, CONGRESSIONAL RECORD.)

Mr. BINGHAM presented a resolution adopted by Allan M. Osborn Camp, No. 1, Department of Connecticut, United Spanish War Veterans, New Haven, Conn., favoring the passage of legislation granting increased pensions to Spanish War veterans, which was referred to the Committee on Pensions.

He also presented letters in the nature of petitions from G. A. Hadsell Camp, No. 21, of Bristol, and A. G. Hammond Camp, No. 5, of New Britain, both of the United Spanish War Veterans in the State of Connecticut, praying for the passage

of legislation granting increased pensions to Spanish War veterans, which were referred to the Committee on Pensions.

He also presented a telegram and a letter in the nature of petitions from the Connecticut Daughters of the American Revolution, and Sarah Whitman Hooker Chapter, Daughters of the American Revolution, of West Hartford, in the State of Connecticut, praying for the retention of the national-origins clause of the immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted by Oscar II Lodge, No. 69, Vasa Order of America, at Thomaston, Conn., favoring the repeal of the national-origins clause of the immigration law and a return to the previous quota basis under the 1890 census, which was referred to the Committee on Immigration.

He also presented a telegram in the nature of a petition signed by William Abraham, secretary of the Connecticut Saengerbund, Bridgeport, Conn., on behalf of that organization praying for the repeal of the national-origins clause of the immigration law, which was referred to the Committee on Immigration.

NATIONAL-ORIGINS CLAUSE OF IMMIGRATION LAW

Mr. FLETCHER. Mr. President, I present for printing in the RECORD and reference to the Committee on Immigration a short communication from the commander of the American Legion of the Department of Florida.

There being no objection, the communication was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION, DEPARTMENT OF FLORIDA,
Tallahassee, May 25, 1929.

Hon. D. U. FLETCHER,
Senate Office Building, Washington, D. C.

DEAR SENATOR: The American Legion is opposed to the Nye resolution proposing to discharge the Senate Immigration Committee from further consideration of the national-origins question.

I will not burden you with having local posts wire you, but am merely expressing to you the sentiment of the Legion in this department.

With kind regards, yours very truly,

R. A. GRAY,
Department Commander.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSES:

A bill (S. 1296) granting an increase of pension to Caroline J. Parsons (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 1297) to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department (with accompanying papers); and

A bill (S. 1298) to reimburse officers, enlisted men, and civilian employees of the Army and their families and dependents, or their legal representatives for losses sustained as a result of the hurricane which occurred in Texas on August 16, 17, and 18, 1915 (with accompanying papers); to the Committee on Claims.

By Mr. THOMAS of Idaho:

A bill (S. 1299) for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith; to the Committee on Claims.

By Mr. CUTTING:

A bill (S. 1300) creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. GOULD:

A bill (S. 1301) to amend the act entitled "An act relative to the naturalization and citizenship of married women," approved September 22, 1922; to the Committee on Immigration.

By Mr. SHORTRIDGE:

A bill (S. 1304) granting a pension to Max Batoski;

A bill (S. 1305) granting an increase of pension to Woodville G. Staubly;

A bill (S. 1306) granting a special pension to officers and enlisted men who received the medal granted to those who participated in the Battle of Manila Bay, May 1, 1898;

A bill (S. 1307) granting pensions and increase of pensions to nurses of the war with Spain, the Philippine insurrection, or the China relief expedition; and

A bill (S. 1308) to increase the pensions of persons who have lost the sight of both eyes in line of duty while in the military or naval service of the United States; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 1309) granting six months' pay to Mary A. Bourgeois; to the Committee on Naval Affairs.

A bill (S. 1310) to establish a fish-hatching and fish-cultural station in the State of Mississippi; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 1311) authorizing the appointment of Roy M. Kisner as a captain, Dental Corps, Regular Army; to the Committee on Military Affairs.

By Mr. FLETCHER:

A joint resolution (S. J. Res. 47) to provide compensation to fruit and vegetable growers for losses resulting from efforts to eradicate the Mediterranean fruit fly; to the Committee on Agriculture and Forestry.

AMENDMENT OF TARIFF BILL—AVOCADOS, ETC.

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO CENSUS AND APPORTIONMENT BILL

Mr. HARRISON and Mr. BLACK each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, which were ordered to lie on the table and to be printed.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business.

OPEN EXECUTIVE SESSIONS AND PRIVILEGES OF THE FLOOR

Mr. REED obtained the floor.

Mr. MOSES. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED. I yield.

Mr. MOSES. The Committee on Rules held a session this morning for the consideration of what is termed in parliamentary and journalistic history the Mallon case. Mr. Mallon was present, accompanied by counsel. The meeting was public and I think all present will agree that it was fruitless. There was an executive session of the committee following, however, at which the plain consensus was that as a consequence of the episode two results have flowed; one, that which took place resulting in the barring of representatives of press associations from the floor of the Senate, and the other an inevitable amendment to the rules of the Senate regarding executive sessions.

I am instructed by a unanimous vote of the committee to ask unanimous consent that all pending resolutions looking toward an amendment of the rules may be referred to the Committee on Rules, and to add that, in the event consent is granted, the committee is to meet to-morrow morning at 10.30 o'clock to consider the matter.

The VICE PRESIDENT. Is there objection?

Mr. LA FOLLETTE. Mr. President, will the Senator from Pennsylvania yield to me?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. I desire to ask the Senator from New Hampshire a question.

Mr. REED. I yield for that purpose.

Mr. LA FOLLETTE. If the unanimous-consent agreement requested by the Senator from New Hampshire should be entered into, would he be willing to have the unanimous-consent agreement also provide a definite date upon which the committee shall report upon the proposed amendments to the rules?

Mr. MOSES. Mr. President, personally I am entirely willing that that should be done. I ought to say, in all frankness to the Senator from Wisconsin, however, that the opinion in the committee at the minute runs the gamut from full publicity for everything to a limited publicity. I think the committee will work out something which will be satisfactory. I will say to the Senator from Wisconsin, however, that it is the purpose of the chairman of the Committee on Rules to press the matter as rapidly as possible and to bring the amendment to the rules before the Senate prior to the taking of a recess.

Mr. LA FOLLETTE. Mr. President, I do not wish to imply that the request was made for the purpose of indicating that the committee had an intention of delaying consideration of the question; on the contrary, I feel that no doubt the Committee on Rules is anxious to make a speedy disposition of the proposed amendments. The Senator will realize, however, that we are confronted with a situation here where we may have pending before us an adjournment or recess resolution. The Senator from New Hampshire has been here often when such resolutions

have been proposed, and he knows that when the Senate and House of Representatives have dangling before their eyes an opportunity to take a recess, it is sometimes difficult to secure consideration of important questions prior to the adoption of a recess resolution. Therefore, I wanted to suggest to the Senator that if we could set some reasonable time when the report would be made, I think it would relieve the minds of Senators who are exceedingly anxious to have action taken prior to the adjournment or recess upon an amendment to the rules concerning secrecy.

Mr. MOSES. Mr. President, I hesitate always to put myself into a strait-jacket other than that provided by the rules as they now exist, but I can assure the Senator from Wisconsin that, so far as I am concerned, the report on the proposed amendments to the rules would be made this week but for the fact that I have to keep an engagement on an academic occasion toward the end of the week, which will take me out of the city for two days. I think without question, however, the report can be made very early next week, and the matter disposed of.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Virginia?

Mr. MOSES. I have not the floor.

Mr. SWANSON. I was present at the meeting of the committee, and I am satisfied that all the different suggested amendments to the rules may be discussed by the committee and a report be made within 10 days.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Washington?

Mr. REED. I yield.

Mr. JONES. I am not disposed to consent to a postponement of action by the committee for 10 days on the resolutions proposing amendments to the rules. It seems to me that we ought to get action by the committee in submitting its report to the Senate at least by Thursday of this week.

Mr. MOSES. I think I can assure the Senator from Washington that if it be undertaken to amend the rules at an open town meeting on the floor of the Senate, it will take much longer than 10 days.

Mr. JONES. That may be, but I am not willing to agree that the Committee on Rules shall have 10 days within which to report.

Mr. MOSES. Mr. President, the committee is not asking for any special time whatever. The committee intends to make its report as speedily as may be. It is possible that the committee may reach an agreement at its meeting to-morrow morning, but, in any event, the report will be made the first part of next week, at the very latest; and if it were not for the long-standing engagement which the chairman of the committee has, to which he has referred, he could assure the Senator from Washington that the report would be made this week.

Mr. JONES. Mr. President, will the Senator from New Hampshire assure the Senate that the committee will make its report on or before Monday of next week?

Mr. MOSES. Will the Senator not say Tuesday of next week?

Mr. JONES. On or before Tuesday of next week?

Mr. MOSES. Yes.

Mr. JONES. I think, under the circumstances, that I myself, as one Senator having before the committee a resolution for the amendment of the rules, will agree to that, because I feel that if we get the report back here by Monday or Tuesday of next week we may then dispose of the matter before a recess shall be taken.

Mr. MOSES and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I yield first to the Senator from New Hampshire.

Mr. MOSES. Mr. President, the Senator from California [Mr. JOHNSON] indicates that if we shall not reach an agreement speedily he will object on general principles because of legislation in which he is interested, and the whole thing will then be over.

Mr. NORRIS. Mr. President, let me make a suggestion, if the Senator from Pennsylvania will yield to me.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. REED. Certainly.

Mr. NORRIS. I ask the Senator from New Hampshire to add to his unanimous-consent request that the committee shall report on or before next Tuesday, a week from to-morrow.

Mr. MOSES. I have already agreed to that.

Mr. NORRIS. But let it be put in the request. Then I do not think there will be any objection to it.

Mr. MOSES. I have already agreed to that at the suggestion of the Senator from Washington.

Mr. McMASTER. Mr. President, a parliamentary inquiry.

Mr. DILL and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I yield to the whole Senate, but first to the Senator from South Dakota.

Mr. McMASTER. As I understand, there are certain amendments proposed to the rules, including that proposed by the Senator from Washington, and that all those amendments are now to be referred to the Committee on Rules.

Mr. MOSES. Yes.

Mr. McMASTER. The question which I wish to ask is this: Eventually, when the committee shall report back to the Senate its recommendation for a change in the rules, in the event that any Senator shall desire to offer an amendment to the proposed amendment reported by the Committee on Rules, will such proposed amendment have to be referred back to the Committee on Rules?

Mr. MOSES. I refer the question to the distinguished parliamentarian in the chair. The Senator from South Dakota proposes a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. Any amendment will be in order after the report shall have been submitted by the Committee on Rules.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. REED. I yield.

Mr. LA FOLLETTE. I merely wish to ask that the unanimous-consent agreement as it has now been modified may be stated for the information of the Senate.

The VICE PRESIDENT. Will the Senator from New Hampshire again state his request for unanimous consent?

Mr. MOSES. I ask unanimous consent that all pending resolutions and motions which involve the pending motion of the Senator from Wisconsin, which was not put in resolution form, as I remember, looking to an amendment of the rules in that section providing for publicity of proceedings in executive sessions, shall be referred to the Committee on Rules, and that the committee shall report to the Senate on or before one week from to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. BORAH. Mr. President, I should like to inquire of the Senator from New Hampshire if the committee will take into consideration proceedings in executive session with reference to treaties?

Mr. MOSES. Undoubtedly.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Washington?

Mr. REED. I yield.

Mr. DILL. I wish to ask this question: Suppose the committee should fail to report back a week from to-morrow.

Mr. MOSES. Very well. I will add this phrase to the request for unanimous consent, namely, that in the event the committee shall not report by the day named, the committee shall be automatically discharged from further consideration of the subject.

The VICE PRESIDENT. Is there objection to the proposed agreement as modified? The Chair hears none, and it is so ordered. All the resolutions and motions proposing amendments to the rules are referred to the Committee on Rules.

Pursuant to the above agreement, the following resolutions were referred to the Committee on Rules:

S. Res. 19. Resolution to amend paragraph 2 of Rule XXXVIII, relating to proceedings on nominations in executive session [submitted by Mr. JONES April 22, 1929];

S. Res. 63. Resolution to amend Rule XXXVIII so as to provide for consideration of nominations in open executive session [submitted by Mr. BLACK May 16 (calendar day of May 22), 1929];

S. Res. 66. Resolution extending the privilege of the Senate floor to representatives of certain press associations [submitted by Mr. LA FOLLETTE May 16 (calendar day of May 23), 1929]; and

S. Res. 68. Resolution authorizing an inquiry of Senators relative to the disclosing of executive proceedings in connection with the Irvine L. Lenroot nomination [submitted by Mr. HARRISON May 16 (calendar day of May 23), 1929].

Mr. HARRIS submitted the following resolution (S. Res. 75), which was referred to the Committee on Rules:

Resolved, That the first sentence of paragraph 2, of Rule XXXVIII, be, and the same is hereby, amended to read as follows:

"All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated shall be kept secret; but all votes upon any nomination or motion relating thereto shall be made public and printed in the CONGRESSIONAL RECORD."

"NEWSPAPERS AND THE PUBLIC"—A TALK BY MR. WILLIAM H. M'MASTERS

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Newspapers and the Public," being a radio talk by a newspaper man, Mr. William H. McMasters, and broadcast from station WLOE at Boston on Sunday evening, May 19.

There being no objection, the address was ordered to be printed in the RECORD.

Mr. McMasters spoke as follows:

The recent acquisition of a half interest in the Boston Herald-Traveler by the International Power Co. has dramatically brought the question of newspaper ethics into the public mind. The International Power Co. is a subsidiary of the International Paper Co., which corporation is engaged in developing power as well as manufacturing and selling paper.

The news that over five millions had been paid for a half interest in the Herald-Traveler was simultaneously given to the public by the Boston Post and American. It had been a fact for several months before either of these papers knew of it. Why the Herald-Traveler news department failed to tell the world about it is something not easily understood. It certainly was a big news story and they had an exclusive right in their hands and failed to give it out.

Hardly was the story generally known before all the other papers in the country were printing news and editorial comment about it. Senator NORRIS started a national investigation in response to public clamor as a sort of follow-up on the disclosures that the Power Trusts had been subsidizing the school books of the country through the big book-publishing houses.

Mr. Archibald R. Graustein, president of the International Paper Co., immediately issued a statement about the Herald-Traveler. In substance he said: "All this talk about our trying to control the editorial policy of the Boston Herald-Traveler is the bunk. We don't care about the policy of the Herald. If the Herald wishes to support the Socialist Party in the future, we will be perfectly satisfied. If the Herald comes out for public ownership of the Boston elevated system it will be all Jake with us. If the Herald advocates a special commission to curb the activities of the International Paper Co. in New England, I will personally suggest a raise in salary for the editor. The one and only reason that we bought a half interest in the Herald-Traveler is because we wanted to make sure of our paper contract."

After dictating that alibi to his secretary, Mr. Graustein asked for an extra carbon copy and read it to his board of directors. These gentlemen, being all "yes" men, nodded their heads and shouted in unison: "The perfect alibi."

Well, while we still have our sanity, let us analyze this statement of Mr. Graustein in the light of intelligence.

First. I doubt very much if the International Paper Co. has to invest over $5,000,000 in order to control the paper contract of the Boston Herald. I will guarantee the paper contract in full, signed for 10 years, for a bonus of $1,000,000.

Second. If the International is being undersold in the Boston market to such an extent that they are obliged to use $5,000,000 in order to insure the Herald's paper contract, there is something radically wrong with their management.

Third. If Mr. Graustein and his company are going to take advantage of their holdings in the Herald to force the management to buy all its paper from the International when good business has been to buy from some other producers in years past, then he and his company are deliberately putting over a fraud upon the other stockholders in the Herald. The Herald made $920,000 profit last year, buying its paper in the open market. Now, according to Mr. Graustein, the Herald is tied up with a one-way contract on its entire paper supply.

Fourth. If Mr. Graustein is right when he says the International Paper Co. will not exercise any control over the editorial policy of the Herald, how does he reconcile such a childish statement with the fact that his company's enormous investment in the Herald has already completely changed the business policy of the paper? As a matter of cold news, since the International Paper Co. bought into the Herald its editorial policy has utterly changed. For over 15 years Robert Lincoln O'Brien was managing editor of the Boston Herald, in absolute control of its editorial policy. With the advent of the International Mr. O'Brien has severed his connection with the paper, except as a stockholder. In my opinion, no one on the Herald can take his place.

There seems to be no limit to the stupidity with which the public is endowed, according to men like Graustein. Either he is obsessed with his own omnipotence or else he thinks the people are as simple-minded as some of his own stockholders.

Clifton B. Carberry, managing editor of the Boston Post, one of America's most level-headed newspaper men, in a few cryptic lines to Richard Grozier, publisher of the Post, called the turn on the situation several months ago. The memorandum came to light before the Senate investigating committee a few day ago. I am proud to read excerpts from my friend Carberry's letter, as officially on file with the United States Senate. Mr. Carberry wrote as follows:

"It may be these power people are foolish enough to go around paying wild prices for newspapers. According to Charlie [meaning Charles J. O'Malley] they expect to round up 50 or 60 of the biggest papers. But such a scheme would become public and react terrifically on them.

"Already the clouds are gathering over their heads. The people simply won't stand for such a bold scheme, of course. So far they have acted in such utter contempt of public opinion that they may believe they can rope in the papers as easily as the independent gas and electric companies."

There is a sober and honest statement, written without any idea of its ever reaching the public. It tells the whole story in a few words.

The International Paper Co. will have to sell its holdings in the Herald-Traveler eventually. To-day, however, they are not for sale. I know this, as I have a letter direct from Mr. Graustein to me. It is dated New York, May 17, two days ago, and says:

"DEAR MR. MCMASTERS: Thank you for your letter, but our stock in the Boston Herald is not for sale.

"Yours very truly.

"A. R. GRAUSTEIN."

I had a prospective purchaser for the stock, a man whose only object in life is to render real public service, but Mr. Graustein says the International Paper Co. is going to hold on to the Herald and his only reason for doing so is to make sure that the International gets the paper contract. He would be the last man on earth to suggest a few kind words on the editorial page for a public utility. It is certainly the prize laugh of the spring season.

Here is my definition of a real newspaper: An independently owned medium, giving unbiased news to its readers, honest in its editorial opinions, supported by clean advertising, and doing its best to be fair to the public as a whole. No such newspaper can be owned 50 per cent by a power company. What Abraham Lincoln said about the Republic applies with equal force to a newspaper. He said: "This Nation can not live half free and half slave."

RESTRICTION OF MEXICAN AND FILIPINO IMMIGRATION

Mr. HARRIS. Mr. President, I ask unanimous consent to have read from the desk a dispatch from the Washington Post of Friday, May 17, 1929, entitled "New Immigration Bars Sought by California." It sets forth the action taken by the Legislature of California, memorializing Congress to restrict immigration coming from Mexico and the Philippine Islands.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the Washington Post, Friday, May 17, 1929]

NEW IMMIGRATION BARS SOUGHT BY CALIFORNIA

SACRAMENTO, CALIF., May 16 (A. P.).—Restriction of immigration from Mexico and the Philippines was sought in two resolutions adopted by the California Legislature before adjourning sine die early to-day.

One resolution memorialized Congress either to exclude Filipinos from the United States or reduce the number of immigrants from the islands in the future. The resolution on Mexican immigration asked Congress to put immigrants from the southern Republic on a quota basis.

SINKING OF THE STEAMER "VESTRIS"

Mr. WAGNER. Mr. President, I ask unanimous consent that there may be printed in the RECORD an editorial appearing in the New Republic, urging the adoption of the resolution introduced by me to provide for an investigation of the *Vestris* disaster and a survey of the maritime laws of the United States. I call the article to the attention of the subcommittee of the Committee on Commerce, before which my resolution is still slumbering.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, May 22, 1929]

The investigation of the *Vestris* case in London has produced some painful facts. There is now no doubt that the vessel was overloaded when she sailed from New York on her last voyage; that important information was concealed by British seamen who testified at the inquiry in New York. Chief Officer Johnson now admits that "we didn't want the American people to get hold of this overloading business, and we were trying to conceal it. * * * We wanted to get home and didn't want to be in those courts all the time in America." There were, it is clear, two chief factors in the situation which made the *Vestris* tragedy possible. The American inspection of all ships is inadequate, due to the weakness of existing law, and it is particularly so in

the case of a vessel of foreign registry. There is no reason, except the temporary moral influence of the *Vestris* case, why the tragedy might not be repeated to-morrow. Senator WAGNER has introduced a resolution in the Senate calling for a careful study by a committee as a preliminary to new legislation; and there are few subjects before the special session of Congress which are of more importance.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT'S amendment, in section 22, page 16, line 15, after the word "State," to insert the words "exclusive of aliens and," so as to make the section read:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, exclusive of aliens and excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

Mr. REED. Mr. President, speaking to the amendment of the Senator from Kentucky [Mr. SACKETT], which, as all Senators know, would exclude aliens from the count on which the apportionment of Representatives is based, let me say that I do not remember a time when I have been faced in the Senate with a proposition which has my more ardent support than this amendment. I want to vote for it; everything in my experience and outlook would lead me to vote for this amendment if that possibly could be done. I have tried hard, in studying the briefs and the arguments in the House and in listening with care to the Senator from Kentucky, to find some basis on which I could vote for his amendment, because, as I say, it has my most ardent sympathy and I wish that it were possible for me to support it.

While I do not believe I can vote for it, I hope the Senate will understand that when I say that I feel I am oath bound in the matter, that does not reflect in the slightest upon any Senator who differs from me; but the oath which we take to support the Constitution includes the obligation to support it when we dislike its provisions as well as when we are in sympathy with them. I believe that this amendment would be unconstitutional and that it would jeopardize the entire measure.

The use of the word "persons" as it occurs in Article I of the original Constitution was not an accident, Mr. President, as is shown by the records of the Constitutional Convention. The original language was that the apportionment should be based on the "free citizens and inhabitants," obviously including both citizens, other than slaves, and inhabitants. When that went to the committee on style of the Constitutional Convention it was reported back with the word "persons" substituted for the words "free citizens and inhabitants." The change led to no discussion, so far as the records of the convention disclose. We know of no question that was raised about the use of the word "persons" in substitution for the term "free citizens and inhabitants," and obviously the necessary inference is that the committee on style had tried to shorten the phrase without changing its meaning.

Every Congress that acted on that part of Article I of the original Constitution and every apportionment that was made in reliance upon that article included all free persons literally. It excluded Indians not taxed and it excluded slaves, but in every apportionment inhabitants who were not citizens were included. That construction has been continuous and consistent.

Then, when the fourteenth amendment was under consideration, as is shown by the memorandum put in the RECORD by the Senator from Michigan [Mr. VANDENBERG], which Senators will find at pages 1821 and 1822 of the CONGRESSIONAL RECORD, of course it was desired to change the provision which counted slaves at only three-fifths of their actual number. With the abolition of slavery that became an anomaly in the Constitution, and the prime attention of Congress was directed to that point. But while the question was under discussion it was then suggested in the House of Representatives that the word "persons" should be changed to read "citizens" and another proposition was made to change it to read "voters." After a considerable debate upon the subject it was deliberately decided then that the word "persons" should not be changed to read "citizens"; it should not be changed to read "voters"; and one of the reasons assigned was that it would disregard in the apportionment about 2,000,000 of law-abiding aliens who had not yet become naturalized.

Mr. ALLEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kansas?

Mr. REED. I yield.

Mr. ALLEN. Will the Senator give us the authority for the quotation he is now making?

Mr. REED. The Senator will find that in the CONGRESSIONAL RECORD of that day, which was called the Congressional Globe. The references have been collected, and the Senator will find them in a memorandum prepared by the legislative counsel of the Senate which is printed on page 1831 of the CONGRESSIONAL RECORD of this session. I take it that it is unnecessary to repeat the references, because they are all contained in that memorandum.

So, Mr. President, while, as I have tried to make clear, I disagree to the bottom of my heart with the action then taken, while if it were a free question I should unhesitatingly vote to substitute the word "citizens" for "persons" or to substitute the words "voters who actually have cast their votes at the last general election," yet I am forced to the conclusion that the word "persons" must be taken in its literal sense; that it was not an accident that it occurred but was the deliberate choice, first, of the Constitutional Convention and next of the Congress in acting on the fourteenth amendment.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. REED. I do.

Mr. BARKLEY. Regardless of any reason given by the Members of the Congress which submitted to the States the fourteenth amendment, the sum of their action was to leave the language precisely as it was framed by the original framers of the Constitution?

Mr. REED. As far as this question is concerned, yes.

Mr. BARKLEY. Yes; as far as this question is concerned. So if any Member of either House of Congress believes that the original intention of the framers of the Constitution was not to include all aliens, would he, in good conscience or in the performance of his duty, be bound by any reasons assigned by those who framed the amendment to the Constitution in which they used that language?

Mr. REED. No, Mr. President; if he believed that, of course, he would be free to vote in accordance with that belief; and I am not speaking in the effort to swerve the decision of anyone else. I really hoped the Senate would disagree with me and would feel that this is constitutional; but I am explaining why, in my conscience, I can not vote otherwise than as I am going to vote.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH of Montana. I understand clearly that if the Senator had had a voice either in the preparation of the Constitution in the first place or in the preparation of the fourteenth amendment, he would have felt constrained to use the word "citizen" or some other term which would exclude aliens.

Mr. REED. Yes, Mr. President.

Mr. WALSH of Montana. Exactly. Does the Senator find any reason at all why, in the apportionment of direct taxes, aliens should be excluded—the provision of the original Constitution being:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service—

And so forth.

Mr. REED. I can conceive that to exclude resident aliens from the apportionment of direct taxes might work an injustice.

Mr. WALSH of Montana. Can the Senator see any reason at all why, in imposing direct taxes upon the various States, a State which has a heavy alien population should be exempted from that proportion of the burden, and it should be imposed upon those States having a small alien population?

Mr. REED. I think that just as the inclusion of aliens works an injustice where privileges are being granted, so the inclusion of aliens might work an injustice where obligations are being imposed. One is an obligation; the other is a privilege.

Mr. WALSH of Montana. Does the Senator agree with me that the same basis of apportionment must be utilized either in apportioning Representatives or in apportioning direct taxes?

Mr. REED. I do, Mr. President, under the Constitution as it stands.

Mr. WALSH of Montana. And does the Senator agree that we can not give one significance to the word "persons" as applied to direct taxes and another significance as applied to the apportionment of Representatives?

Mr. REED. I do, Mr. President; yes.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. REED. I do.

Mr. BARKLEY. The exclusion of aliens as a basis for direct taxes would not exclude those aliens from taxation on any property they might own, but would merely affect the proportion of direct taxes paid by the State in which they lived.

Mr. REED. Oh, yes; but, obviously, if you excluded all the aliens in a State made up one-half of aliens, the burden borne by that State would be correspondingly diminished to the injustice of the other States. I can readily see that; and undoubtedly the word "persons" is to be construed in the same way with regard to both apportionment and direct taxes.

I hope I have made clear, Mr. President, that if this were a proposed constitutional amendment changing the word "persons" to read "citizens," so far as apportionment goes, I should be most happy to support it; and if the Senator from Kentucky [Mr. SACKETT] will, in the future, offer such an amendment, I assure him now that I shall be most happy to join with him in supporting it and voting for it.

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from California?

Mr. REED. I do.

Mr. JOHNSON. Perhaps I may relieve the mind of the Senator from Pennsylvania by advising him that there is now pending in the House a constitutional amendment that has arisen exactly out of the situation that is confronting us now, and was presented because the House held that the law was such that we could not, within the Constitution, eliminate in the enumeration aliens. Therefore the matter is being presented by a constitutional amendment, which is the only appropriate way to present it.

Mr. REED. I am glad to learn that, and I shall be glad to have a chance to vote for such an amendment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. The Senator has said that he would be glad to vote for an amendment changing the terms of the Constitution.

Mr. REED. With regard only to apportionment.

Mr. BORAH. I should, too; but if the Senator and I had been in the place of the framers of the Constitution, and had had to deal with the question of direct taxes as they had, we would have been likely to employ the word "persons" the same as they did.

Mr. REED. I think I should employ the word "persons" to-day in dealing with direct taxes.

Mr. President, it is one thing for us in 1929 to disagree with the expressions used in the Constitution and with the decisions that were made back in 1789. If we had been in the place of the framers of the Constitution, if we had not seen the vast migration of persons to which the United States has been exposed in the last seven or eight decades, we would not have known that this was an important question either. When they made the Constitution there were no such persons as citizens of the United States. The very Constitution itself contained the definition which created them, and took in all free persons, excluding Indians not taxed, who were then resident in the United States. They never pictured to themselves the millions that would come in the succeeding decades. We must not reflect on them, or even seem to do so, by anything that we say now about the possibility of amendment of the language they used. Correspondingly, the problem of alien inhabitants was far less when the fourteenth amendment was under consideration than it is to-day; and I do not mean to seem to reflect on the decisions they then made by what I say now about the need of an amendment at this time.

Finally, Mr. President, I want to make it clear that I think that what the Senator from Kentucky [Mr. SACKETT] has done is in every sense patriotic and for the best interests of the United States. I am in full sympathy with his desire and effort; and it is only because of a positive conviction that those who feel as I do are bound by the language of the Constitution that I am going to vote, with great regret, against his amendment.

Mr. McKELLAR obtained the floor.

Mr. GLASS. Mr. President, will the Senator from Tennessee yield to me in order that I may ask a question of the Senator from Pennsylvania?

The PRESIDING OFFICER. Does the Senator from Tennessee yield for that purpose?

Mr. McKELLAR. I do.

Mr. GLASS. With respect to the conscientious sensibility of the Senator from Pennsylvania, I should like to ask him if he is at all disturbed over the proposition in this bill to transfer and delegate to the President of the United States the constitutional function which in plain language is confided exclusively to the Congress?

Mr. REED. Mr. President, I do not agree that that is a delegation of any discretion whatsoever. I think it is purely ministerial; but I shall be correspondingly candid, and say that I do not at all like the proposal that now is contained in the tariff bill at the other end of the Capitol to transfer our taxing powers to the President.

Mr. GLASS. Is not that purely administrative, too?

Mr. REED. No; I do not so regard it. If I thought this bill carried any such delegation of power as that bill carries, I should be glad to oppose that part of it as well.

Mr. GLASS. I want to say right here, Mr. President, that I am disturbed in my own mind as to the constitutionality of the proposition presented by the Senator from Kentucky [Mr. SACKETT]; but when able constitutional lawyers on the floor differ so radically about a matter of that kind, it seems to me permissible to a Senator who is not a constitutional lawyer to vote as he may please upon the question. I am going to vote against this bill, not because I object to a reapportionment, not because I object to the reapportionment provided in the bill, for I agree to both, but I am going to vote against it because I think it is an unconstitutional delegation of power to the President of the United States.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield to the Senator.

Mr. WAGNER. In view of the discussion by the Senator from Pennsylvania of the question of immigration, I desire to call his attention to page 524 of The Formation of the Union, and to an observation made by a distinguished representative from Pennsylvania in the Constitutional Convention:

> Mr. Wilson cited Pennsylvania as a proof of the advantage of encouraging emigrations. It was perhaps the youngest settlement on the Atlantic—

I am quoting from Mr. Wilson now—

> yet it was at least among the foremost in population and prosperity. He remarked that almost all the general officers of the Pennsylvania line of the late army were foreigners. And no complaint had ever been made against their fidelity or merit.

That was in the discussions of the Constitutional Convention. I make the observation merely on the question of the interpretation of the word "persons." It seems to me it has something to do with the question of what was intended by the use of that word.

Mr. REED. I think that is true. I think the immigration in those decades was entirely desirable and the country had to have it.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I yield.

Mr. SWANSON. Take this word "persons." As I understand, the census speaks as of the 1st of November. Do I understand that the word "person," if given the literal interpretation given by the Senator, would mean "inhabitant"? What right has the Senator to put the word "resident" or "inhabitant" in? It speaks as of the 1st of November. Would anybody who happened to be in the country on the 1st of November be counted?

Mr. REED. No, Mr. President. I have tried to explain that. The word "persons" was used as a synonym for the phrase "free citizens and inhabitants." That does not mean a person in transit.

Mr. SWANSON. The word "inhabitant" has been stricken out.

Mr. REED. The word "persons" was used to replace the longer phrase.

Mr. SWANSON. That part of the first section has been eliminated. The question of taxation has been eliminated, and the word "persons" is the only word used.

Mr. REED. That is correct.

Mr. SWANSON. That is the last expression of the sovereign will. If the word "persons" has no limitation, if it is not limited to residents, not limited to inhabitants, and Congress can not write anything into the provision, suppose on the 1st of November 100,000 people from Canada, Mexico, or anywhere else, happened to be in a locality—and they are persons; are they to be included in the census?

Mr. REED. I take it they are not.

Mr. SWANSON. Why?

Mr. REED. Because they are not inhabitants.

Mr. SWANSON. What right have you to put "inhabitants" in there?

Mr. McKELLAR. Mr. President, there has arisen in my mind exactly the same question that has arisen in the mind of the Senator from Pennsylvania [Mr. REED], the Senator from Montana [Mr. WALSH], and the Senator from New Mexico [Mr. BRATTON], and others discussing the question, but in my study of this question I have come to a conclusion different from that reached by those Senators, and I hope Senators will give attention to what I have to say about the matter.

The answer to the question as to whether or not the Congress has the right to exclude aliens in apportioning the number of Representatives in the House and the number of electors in the Electoral College depends upon a proper construction of three provisions of our Constitution. The first provision is found in section 2 of Article I of the original Constitution and in sections 1 and 2 of Article XIV and Article I, section 8, of the amendments to the Constitution.

Article I, section 2, among other things, says:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons.

Article XIV provides, in section 1:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

In other words, it defines who are citizens of the United States and of the States, and, of course, it was intended to include the negroes who had recently been freed.

Section 2 follows that up by providing:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

I call attention to the fact that that provision comes immediately after the first one I have read, and that it does not say "inhabitants"; it does not say "citizens," but it says "the whole number of *persons* in each State."

Before going into the argument of that matter further I want to say that Article I, section 8, which gives the Congress full power over aliens, provides that Congress shall have power "to establish a uniform rule of naturalization."

Mr. Justice Story, in his Commentaries, sections 4 and 5, says:

> In construing the Constitution of the United States we are in the first instance to consider what are its nature and objects, its scope and design, as are apparent from the construction of the instrument, viewed as a whole and also viewed in its component parts.

Again Judge Story says:

> It does not follow, either logically or grammatically, that because a word is found in one connection in the Constitution with a definite sense, therefore the same sense is to be adopted in every other connection in which it occurs. * * * And yet nothing has been more common than to subject the Constitution to this narrow and mischievous criticism. (Sec. 454.)

Now let us for a moment consider whether or not the question of exclusion or nonexclusion of aliens was in the minds of the framers of the Constitution at all. Confessedly it was not. Our country had just won its freedom when the original Constitution was formed, and all of our people had been legal aliens until victory was won at Yorktown. There was a negro question at the time, there was an Indian question at the time, and both were considered, but the question of a large body of aliens in this country was apparently not thought of at that time. We were all aliens.

Mr. BORAH. Mr. President——

Mr. McKELLAR. I will yield in just a moment. In the period immediately following the Civil War, when the fourteenth amendment was adopted, there was no question of the status of aliens in the minds of those who prepared that amendment. That amendment, as we all know, was for the exclusive purpose of making citizens out of the negroes and giving them the same rights the white citizens had. Even at that time the question of a large body of aliens in this country had never become acute in the minds of the American people.

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Idaho?

Mr. McKELLAR. I yield.

Mr. BORAH. I take it from the Senator's argument that he construes the word "persons" as synonymous with "citizens"?

Mr. McKELLAR. I do, for the reason that in section 1 it is provided what persons shall be citizens, and I want to say to the Senator that from my examination of the Constitution I am convinced there is no word used in the Constitution in so many different senses as the word "persons," and I am sure the Senator will agree that that is true.

Mr. BORAH. The framers of the Constitution could not possibly have used the word "persons" as synonymous with citizens. Otherwise they would not have used the words "free persons," because the negro at that time was not a citizen, was not a political entity, he did not have any political existence. They evidently understood that if they did not put in the word "free" the word "persons" would include negroes.

Mr. McKELLAR. No; they included only three-fifths of the negroes; they did not include them all.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. GEORGE. If the Senator from Idaho would refer to the discussions in the convention, he would find that the word "free" was deliberately used.

Mr. BORAH. I know it was deliberately used.

Mr. GEORGE. And it meant to indicate citizens. Three-fifths of the slaves and all other persons came in, not because they were persons, but in order to bring about a compromise between the two groups, the one saying that representation should be apportioned on the basis of wealth, the other that it should be apportioned on the basis of numbers.

Mr. BORAH. If they had not used the word "free" at all in the original Constitution, would not the word "persons," under the debate which took place, have included negroes?

Mr. GEORGE. It might have, but in the same clause they dealt with the other class.

Mr. McKELLAR. Mr. President, I will get to that question in just a moment.

Mr. WAGNER. Mr. President, will the Senator yield for just a question before he goes on?

Mr. McKELLAR. Yes.

Mr. WAGNER. I just want to ask the Senator this question, if he is right that the word "persons" is limited to citizens, why do we need an amendment to this clause at all?

Mr. McKELLAR. I do not think we need an amendment to the Constitution, but I think we need to exclude the words, for the reason that enumerators are not constitutional experts, and for other reasons I shall give in just a moment.

Mr. BORAH. Mr. President——

Mr. McKELLAR. If the Senator will just bear with me a moment, I think I can make it perfectly clear that our forefathers did not intend to enumerate this vast body of aliens in our country.

In applying the Constitution to this situation we must consider what was in the minds of the framers of these special provisions. Certainly they did not have in mind any question concerning the status of aliens, as we understand that question to-day. It was not in their minds at all. They dealt with the questions that were before them. The Indians were the only aliens they were considering. The question of aliens did not come up, in my judgment.

Mr. BORAH. They had plenty of aliens at that time.

Mr. McKELLAR. They were all aliens. They were all subjects of Great Britain up to the time the war closed, and we defined our own citizenship in this Constitution.

Mr. BORAH. But they looked upon aliens a little more favorably than we seem to.

Mr. McKELLAR. No; I think not. They expressly excluded the only known aliens, the Indians.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. McKELLAR. I have only half an hour.

Mr. WAGNER. This will be my last question.

Mr. McKELLAR. Very well. I yield.

Mr. WAGNER. The Senator says they did not have aliens in mind. Did they not in the Constitution itself provide for the naturalization of aliens?

Mr. McKELLAR. Yes; Mr. President, and I am just coming to that, and to the remarkable argument that is made under that broad authority given in the Constitution; I will come to that point, and I will give to the Senator my views on it in just a moment.

In agreeing upon the Articles of Confederation in 1778 we find that paupers, vagabonds, and fugitives from justice were excepted from those granted citizenship. Of course Indians not taxed were not citizens of the country, and it was expressly directed that they should be excluded.

Mr. President, it seems to me that at best this is a political provision of the Constitution, which is directory, and not mandatory. In other words, it must not be given an unreasonable interpretation.

There is not the slightest doubt but that, under section 8 of Article I of the Constitution, giving Congress the right to establish a uniform rule of naturalization the Congress has plenary power over aliens.

Does anybody dispute that? We have a right to exclude every alien from this country. Can anybody dispute that right? It can not be disputed.

Mr. BORAH. But I do not see its relevancy.

Mr. McKELLAR. We have a right unquestionably to say under what terms they shall come into our country, how long they shall remain, under what conditions they shall remain, or we have the power to exclude them altogether. Is it not remarkable, therefore, that our Constitution would give the Congress an absolute power over aliens and yet force us to count such aliens as may be in this country in a way that would give to these aliens representation in our Congress? If our power under the Constitution—unquestioned power—to exclude aliens from the country is not relevant to and does not include the power to exclude aliens from representation in the House of Representatives and in the Electoral College, then I am unable to distinguish relevancy.

Think of it a moment. Congress has the power to deal with aliens just as they please—to exclude them, put them out of the country whenever they want to, prevent them coming in, or prevent them from coming in in certain numbers. Yet it is said we have not the power to keep from giving aliens representation in our Electoral College and in our House of Representatives. When we say we have not the power we are merely quibbling over words. We are hunting for technicalities. Let us not do that. Let us settle this question on broad principles of constitutional construction, not upon quibbles over the meaning of words concerning which there is much dispute.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield for a question.

Mr. SHORTRIDGE. Conceding those general powers of control over aliens, the aliens being here, however, legally, then the alien is entitled to certain constitutional protection; and, being here, is not now a question of political expediency, but a mere question of a correct interpretation of the Constitution.

Mr. McKELLAR. I differ entirely from the Senator about that. We have just as much control over aliens after they get here as before, and more. If such was the intention of our forefathers, it must necessarily be true that we can by law give to 10,000,000 aliens in this country—as we are proposing to give to 10,000,000 aliens in this country by this bill—representation in the Congress to the extent of some 40 Representatives, and in the Electoral College to the extent of some 35 or 40 in the House of Representatives.

Is it possible that the framers of our Constitution deliberately gave Congress this power over aliens and then said, "Well, we will give you power to exclude them; we will give you power to exclude them in whole or in part, but you have to count them and give them representation in your Congress and in your Electoral College." I do not believe that our forefathers ever intended any such condition to come about, and I will give the reasons why I think so.

If such was the intention of our forefathers, it must necessarily be true that we can, by law, give to the 10,000,000 aliens in this country to-day representation in the Congress to the extent of some 30 or 40 Congressmen, and as many electors, and to-morrow we could pass a law excluding every one of these aliens from the confines of this country. Such an unreasonable view of the Constitution can not be accepted. The Constitution having given to the Congress the right to exclude aliens from our shores entirely, the right of removing aliens from our shores entirely, surely we can exclude their enumeration in fixing our own representation. In other words, Mr. President, the Constitution has given to the Congress the absolute power to deal with aliens in any manner whatsoever that we see fit, and yet it is claimed that a technical construction of another provision of the Constitution requires that we must count these aliens in fixing our own representation in the House of Representatives and in our Electoral College. It is inconceivable. Throughout our entire history the Congress has dealt with aliens in a way showing that jurisdiction is not only plenary but exclusive. So that, Mr. President, I submit without fear of successful contradiction, that section 8 of Article I, having given the Congress the exclusive jurisdiction to deal with the subject of aliens, we have a right to include them in the enumeration or exclude them as we please.

But the Senator from Idaho [Mr. BORAH] says that we have had a uniform construction of this provision of the Constitution throughout our entire history, and he feels bound by that. As I have already argued, this identical question has never arisen before, and therefore we are not bound by a legislative construction. But outside of that, Mr. President, I call your attention to the fact that we have made exceptions to this by legislation. I find that the statute of 1850 providing for the census made this exception:

> Section 2188. In enumerating persons living in California, Oregon, Utah, and New Mexico, the several assistant marshals or agents shall include those who may have removed from their residence in any State or Territory in the United States prior to the first day of June preceding such enumeration and settled subsequent to that date in any of these States or Territories.

But the Senator from Montana [Mr. WALSH] and the Senator from New Mexico [Mr. BRATTON] have urged that the literal or technical meaning of the language above set out makes it imperative that aliens be counted. These two distinguished Senators are able lawyers, and I have great respect for their opinion, and, of course, we all admit that a first-blush interpretation of the word "person" does not mean "citizen." But in the peculiar way in which the word "person" is used in the fourteenth amendment, apparently it was the intention to use the word person in the second section to mean citizen, as defined in the first section. In other words, in the first section it provides that all persons born or naturalized in the United States are citizens. And then immediately in this second section it says:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Certainly it can not be contended that there was an intention in the use of this language to include aliens in such enumeration. It was perhaps a loose use of the words, but we find that loose use of words occurring in almost every article in the Constitution. Perhaps no other word used in the Constitution is used more loosely than the word person.

Now, suppose we adopt a literal interpretation, what is the result? In the first place, if the enumerators count the dead "persons" in the graveyards in some of our States, they will be carrying out the literal instructions of the Constitution, according to this interpretation, because there are dead persons and living persons, and surely no one can contend that all persons dead or living should be included. It is an unreasonable construction, it is a ridiculous construction, and I take it that no one would make such a contention.

In the second place, during the year the census may be taken, let us assume that there will be a million visitors to the United States from other countries. All of these visitors will be "persons." Surely a strict construction of the language might include all these visitors, and yet surely no one would argue that it was the intention of the Constitution that these enumerators should include visiting "persons" and give them representation in our House of Representatives and in our Electoral College.

In the next place, Mr. President, we have a long border line on Canada and on Mexico. In the city of Detroit alone, I am told, there are many thousands of Canadians who work in Detroit, and in other cities it is the same way, and on the Mexican border it is the same way. Every one of these working people are "persons" and they are in our country and within our borders, and if you adopt a literal construction of this provision of our Constitution, enumerators must count these "persons."

Is it possible that we are going to give these "persons" working temporarily in our country representation in our House of Representatives and in our Electoral College? I take it that no one would say that they ought to be included.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Michigan?

Mr. McKELLAR. I yield.

Mr. COUZENS. In actual practice, of course, they will not be counted, because we are only taking the enumeration in the houses and where people live, just as the enumerators might go to the Mayflower here, where they would not count the transients but only those living there.

Mr. McKELLAR. That is not according to the wording of the Constitution. If we are going to accept the literal wording of the Constitution, we must always remember that it reads:

> Representatives shall be apportioned among the several States according to their respective numbers counting the whole number of persons in each State.

Not residents in each State, not persons temporarily in each State, not persons citizens of each State, not persons inhabitants of each State, but persons in each State. If we are going to accept the literal wording of the Constitution, that is the strict interpretation that must be placed upon it, and all persons in each State should be counted regardless of residence or inhabitancy.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. I yield.

Mr. BLACK. If we accept the construction of the Senator from Montana [Mr. WALSH] that the word "persons" is to be literally construed, no enumerator would have a right to eliminate anyone. Who would have the authority to eliminate anyone?

Mr. McKELLAR. Of course, if the enumerators in Michigan decline to enumerate the persons found in Detroit or who are in Michigan, they are violating the Constitution according to the strict construction of the Senator from Montana and of others who take that view.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I yield.

Mr. WAGNER. Manifestly the word "persons" includes inhabitants.

Mr. McKELLAR. Oh, no. I want to dissent from that statement and that construction. There is nothing in the Constitution that indicates directly or indirectly that a "person" is an "inhabitant."

Mr. WAGNER. But this morning we heard the Senator from Pennsylvania [Mr. REED] giving a little history of the adoption of the Constitution and the use of the word "persons." Originally when the committee on details made the report they used the word "citizens and inhabitants." That expression is very clear as to just what it means. That means people living in the States, whether citizens or not. Then that provision of the Constitution went to the committee on style, which had no other function except to correct the English, and they took out the words "citizens and inhabitants" and used a word to include both, namely, the word "persons."

Mr. McKELLAR. It is indeed surprising to me that the strict constructionists of the wording of the Constitution have left their principle of strict construction and now want to insert the word "inhabitants" in the Constitution.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. McKELLAR. Let me answer the Senator from New York first.

Mr. BARKLEY. Right in this connection, in accepting the Senator's interpretation of the word "persons" as a synonym for "citizens and inhabitants," we would still exclude many who were not inhabitants and not citizens. A mere resident may not be an inhabitant of a State.

Mr. McKELLAR. Let us see how it works in the State of New York.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. McKELLAR. I yield.

Mr. SWANSON. I want to suggest to the Senator from Tennessee that it has been said it meant "permanent inhabitants." Why not put that language in the bill if that is what is intended?

Mr. WAGNER. Oh, I did not use the words "permanent inhabitants."

Mr. McKELLAR. He is proposing to insert something in the Constitution that is not there, and if he is a literal constructionist he ought not to attempt to put it there.

Now, let us take another situation applying to the Senator's own city—the city of New York. In the great State of New York there are probably several hundred thousand commuters from other cities—men and women who live in adjoining States and are in New York working every day. Is it possible that the enumerators are going to be directed to count all these "persons"? Or are we going to permit them to be counted in New York and also to be counted in New Jersey? If we are going to count every "person," making the physical presence of that person the sole criterion, why they must be counted, and yet surely no one will contend that these "persons" in New York should be actually counted simply because they are there. It never was intended by the framers of the Constitution to give any such absurd and ridiculous interpretation to this provision of the Constitution. What do the strict constructionists propose to do about that?

There are innumerable statutes of the Congress providing and decisions of courts holding that corporations shall be considered as "persons." Are we going to count the corporations in fixing the enumeration? Would anybody contend that that should be done? They are "persons" in the very language of the laws we have enacted. Are they going to be counted? Are we going to count corporations as "persons"? Where will we stop? If we can count a million visitors, if we can count the great number of Canadians on our northern borders and Mexicans on our southern borders, and there are thousands of them on each border, where will we stop? We must give a reasonable interpretation to the provision of the Constitution, and what is that reasonable interpretation?

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. McKELLAR. I yield.

Mr. CARAWAY. If the Senator insists on doing that he will never be reckoned a great constitutional lawyer.

Mr. McKELLAR. I make no claims of being a great constitutional lawyer. I simply do not agree to the fine-spun, hair-splitting theories of some of those who take a different view of this question. I have studied the Constitution and I believe I know what it means.

Mr. CARAWAY. That is all that makes one a great constitutional lawyer. If he can see something that is not there, he is a great constitutional lawyer; otherwise he can not be one.

Mr. McKELLAR. Then I do not want to be one.

So that, Mr. President, it seems to me for these reasons that a true interpretation of our Constitution is that the Congress of the United States has absolute power over aliens. It can count them or not count them. It can direct its officials to include them or exclude them in any enumeration, and under no circumstances was it ever intended that they should have a representation—a real, important representation—in our House of Representatives and in the Electoral College. The vice of such an interpretation of our Constitution should be apparent to all. In every closely contested election the aliens of the country would control the election, both of the House of Representatives and of the President of the United States. I submit, with all due respect to the great ability of the constitutional lawyers who have taken the other view, that the provision of the Constitution herein referred to is directory and not mandatory, and that it was never intended to override the plenary power given to the Congress over aliens, as shown in section 8 of Article I of the Constitution.

Let me digress here long enough to say it is variously estimated that there are from 10,000,000 to 13,000,000 aliens in this country. Suppose we have a Representative under the new enumeration for every 280,000 people. That will give to aliens somewhere between 35 and 40 Members in the House of Representatives. Any close division in the House would be indirectly settled by aliens; the aliens would control. Not only that but if we adopt that plan there are from 35 to 45 members of the Electoral College that go with it; and a President could be indirectly elected by the aliens of the country.

I do not believe such a thing was ever intended by the framers of our Constitution or by anybody else; and I understand that the sole question about which Senators are hesitating in casting their votes is whether or not the amendment of the Senator from Kentucky [Mr. SACKETT] is constitutional.

The VICE PRESIDENT. The time of the Senator from Tennessee has expired.

MUSCLE SHOALS

Mr. BLACK. Mr. President, in view of the fact that the Supreme Court of the United States has just handed down an opinion holding that the pocket veto of former President Coolidge was effective and prevented the bill which was passed by the House and the Senate with reference to Muscle Shoals from becoming a law, I desire to ask unanimous consent to introduce at this time two bills to be referred to the Committee

on Agriculture and Forestry. One is a bill which contains the offer of the American Cyanamid Co.; the other is a bill which contains the offer of the Farmers' Federated Fertilizer Corporation. I desire to state in introducing these bills that I shall also ask the Senator from Nebraska [Mr. NORRIS] to reintroduce his bill for the Government operation of Muscle Shoals. I do this with the hope that this Congress will not adjourn until something shall have been done with reference to Muscle Shoals. I think the Committee on Agriculture and Forestry should take the question up at once, without any delay, and that we should not take a recess of a so-called farm-relief special session without showing the people of the United States that action can be taken——

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. BLACK. I yield.

Mr. JOHNSON. I take it that the Senator from Alabama is speaking to the amendment which is now pending?

Mr. BLACK. If the Senator from California desires me to do so, I shall. I did not want to; and I did not expect to use more than about two minutes in making a statement regarding the bills introduced by me.

Mr. JOHNSON. If the Senator desires to proceed with his speech, I shall consent that the bills may be introduced and referred.

Mr. BLACK. That is all. I merely want to introduce these bills. I do not care to speak on the pending amendment, and do not think I shall do so.

Mr. JOHNSON. I shall not object; I will permit the Senator to introduce the bills and have them referred, so far as I am concerned.

Mr. BLACK. I merely wanted to state that I think it would be wrong for this special farm-relief session to recess without doing something with reference to Muscle Shoals and showing the country that Congress can legislate——

Mr. JOHNSON. What I desired to call the Senator's attention to was that his speech is on the pending amendment; that is, under the unanimous-consent agreement.

Mr. BLACK. I did not expect to speak on the amendment; but if the Senator desires me to do so, I will.

Mr. JOHNSON. I should be delighted to have the Senator do so.

Mr. BLACK. I merely wanted to finish the sentence. The sentence was this: That I think we should show the United States and its people that this Congress can legislate with reference to Muscle Shoals in spite of the opposition of the great organized Power Trust and Fertilizer Trust.

The VICE PRESIDENT. The bills introduced by the Senator from Alabama will be received and properly referred.

The bill (S. 1302) to authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co., and for other purposes; and

The bill (S. 1303) to provide for the preservation, completion, maintenance, operation, and use of the United States Muscle Shoals project for war, navigation, fertilizer manufacture, electric-power production, flood and farm relief, and for other purposes, and, in connection therewith, the incorporation of the Farmers' Federated Fertilizer Corporation and the lease to it of the said project, were severally read twice by their titles and referred to the Committee on Agriculture and Forestry.

THE DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate as in Committee of the Whole resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses, and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT's amendment.

Mr. BARKLEY. Mr. President, the discussion which has proceeded upon the amendment of my colleague the senior Senator from Kentucky [Mr. SACKETT] has been a very valuable discussion.

Mr. BRATTON. Mr. President, will the junior Senator from Kentucky yield to me?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New Mexico?

Mr. BARKLEY. I yield.

Mr. BRATTON. Will the Senator from Kentucky yield to me for the purpose of calling a quorum?

The VICE PRESIDENT. Does the Senator from Kentucky yield for that purpose?

Mr. BARKLEY. I do not want to force Senators to come into the Chamber and listen to me speak.

Mr. BRATTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	King	Smith
Barkley	Gillett	La Follette	Smoot
Bingham	Glass	McKellar	Steck
Black	Glenn	McMaster	Steiwer
Blaine	Goff	McNary	Stephens
Blease	Goldsborough	Metcalf	Swanson
Borah	Gould	Moses	Thomas, Idaho
Bratton	Greene	Norbeck	Thomas, Okla.
Brookhart	Hale	Norris	Trammell
Broussard	Harris	Nye	Tydings
Burton	Harrison	Oddie	Tyson
Capper	Hastings	Patterson	Vandenberg
Caraway	Hatfield	Phipps	Wagner
Connally	Hawes	Pine	Walcott
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Hebert	Ransdell	Walsh, Mont.
Cutting	Heflin	Reed	Warren
Dale	Howell	Robinson, Ind.	Waterman
Deneen	Johnson	Sackett	Watson
Dill	Jones	Schall	Wheeler
Edge	Kean	Sheppard	
Fletcher	Kendrick	Shortridge	
Frazier	Keyes	Simmons	

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present. The Senator from Kentucky is recognized.

Mr. TYSON. Mr. President——

Mr. BARKLEY. I yield the floor to the Senator from Tennessee.

The VICE PRESIDENT. The Senator from Tennessee is recognized.

Mr. TYSON. Mr. President, I wish to speak upon the amendment which is now before the Senate proposing to exclude aliens in making an apportionment of Representatives. I had also submitted an amendment to the same effect in the Committee on Commerce, of which both the senior Senator from Kentucky [Mr. SACKETT] and I are members.

I do not think this question has been before the Senate of the United States often, if at all, in a great many years. I appreciate fully the fact that it is a constitutional question. I do not claim to be a constitutional lawyer. I regret exceedingly that the constitutional lawyers who, perhaps, may be in favor of this amendment have not spoken upon the question, though there may be some who are to speak on it. I hope there may be. I do not feel that I am able to discuss it with that degree of assurance which I might if I considered myself a constitutional lawyer.

From the time when this bill was brought to my attention while pending in the House of Representatives at the last session of Congress I felt that it was a great hardship on the citizens of this country to permit apportionment which would count and have represented in the Congress of the United States the same as citizens the great alien population of this country.

The question of challenging the justice and constitutionality of the enumeration of aliens for the purpose of apportionment, as I have said, is a new question, or at least is a question which has not been discussed in the Senate for a very long period of time. Now, the question is before us, Has Congress the power to exclude aliens and unnaturalized foreigners from the enumeration of population for the apportionment of representation in the House of Representatives?

Of course, I appreciate that we should count them for the purpose of ascertaining all of the people who are in the United States at the time the census is taken; but the information which I have is that there are now some six to eight millions of alien population in the United States, and based upon even a population of 250,000 for each Representative it would amount to some 30 Representatives in the next Congress.

If we take the population now represented in Congress by each Representative, it would be something like 210,000, and therefore some 30 to 35 Representatives are now due to the alien population.

I would not have had the temerity to present this matter to the Senate but for the fact that I took up this matter some time ago with the Hon. ST. GEORGE TUCKER, of Virginia, a Member of the House of Representatives, who is considered one of the greatest constitutional lawyers of the country, a man who is looked upon in the House as perhaps the outstanding constitutional lawyer of the House.

He delivered on the 1st day of May a notable address in the House of Representatives on this very subject of The Power of Congress to Exclude Aliens in the Enumeration of the Population of the United States for Representatives in Congress, and I shall make excerpts from his address in order to present as well as I may the reasons which I have for feeling that this amendment which I have offered to exclude aliens should be adopted.

Article I, section 2, of the Constitution prescribes:

"Representatives * * * shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons.

"The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct."

That article was written, of course, in 1787, when slavery existed in the United States.

The fourteenth amendment to the Constitution, passed after the abolition of slavery in 1868, declares (sec. 2):

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed."

This represents practically the same idea as quoted above in Article I, section 2, of the Constitution, only eliminating the idea of slavery, which had vanished.

The discussion turns on the construction of the word "persons" in the Constitution, and the real question is whether aliens, unnaturalized foreigners, are included in the word "persons." After a very careful examination of this question, I conclude that no such construction can be put upon the word "persons."

* * * * * * *

Now, we find by examination of the Constitution that the word "person," which is the word which we are to construe in this discussion, has been used twenty-seven times. * * *

It therefore results that, considering the question in hand as being involved in Article I, section 2, clause 2, and in the fourteenth amendment regarding them as one, we find that of the 27 instances where this word has been used in the Constitution its meaning is in doubt only in this one instance. * * * Not in one case does the context show that the word "person" in the Constitution means an alien. Why should it mean alien in this one place—that would give the alien a part in our Government?

Judge Story has stated clearly the principles governing the construction of the Constitution:

"It does not follow, either logically or grammatically, that because a word is found in one connection in the Constitution with a definite sense, therefore the same sense is to be adopted in every other connection in which it occurs. * * * And yet nothing has been more common than to subject the Constitution to this narrow and mischievous criticism." (Story on the Constitution, sec. 454.)

Judge Cooley says on this subject (Constitutional Limitations, 7th ed. p. 91):

"Nor is it lightly to be inferred that any portion of a written law is so ambiguous as to require intrinsic aid in its construction. Every such instrument is adopted as a whole, and a clause, which standing by itself might seem of doubtful import, may yet be made plain by comparison with other clauses or portions of the same law. It is therefore a very proper rule of construction that the whole is to be examined with a view to arriving at the true intention of each part."

Willoughby adds his sanction to this view in his work on the Constitution (vol. 1, p. 40):

"The Constitution is a logical whole, each provision of which is an integral part thereof, and it is therefore logically proper, and, indeed, imperative, to construe one part in the light of the provisions of all the other parts."

Judge Story in his Commentaries (sec. 405) strengthens this view, as follows:

"In construing the Constitution of the United States we are, in the first instance, to consider what are its nature and objects, its scope and design as apparent from the structure of the instrument, viewed as a whole, and also viewed in its component parts."

These quotations from Judge Marshall, Judge Story, Judge Cooley, and Willoughby would seem to settle this question against any presumption which would make the construction of the word "person" to mean alien, for they all hold the object and purpose of the instrument must control in the construction of all of its parts and that the context must control in any sentence or clause where the word appears.

* * * What is the design of the Constitution? What are its objects? The preamble says that among its objects are those to "form a more perfect Union." of what? Of States composed of American citizens; "to insure domestic tranquillity." How can this be secured? Surely not by giving aliens a voice in the Government; "and secure the blessings of liberty to ourselves and our posterity"? Not to aliens; not to those who have never sworn allegiance to the flag; * * *. But this preamble shows that this Constitution was made for the United States of America for Americans; and Willoughby says emphatically:

"It is therefore logically proper, and, indeed, imperative, to construe one part in the light of the provisions of all the other parts."

* * * * * * *

The objector to our contention lays great stress upon the language of the Constitution using the expression "the whole number of free persons," and insists that the word "person" has a well-defined meaning and should be construed without reference to the context or the spirit of the whole instrument. * * *

I think the most ultraopponent of my views must realize that these must be exceptions; and why? Simply because to include them would be against the spirit of the instrument which was being created and antagonistic to the doctrine that America must be for Americans. We must look deeper than the letter of the law; we must look to its reason. * * *

And if visitors must be excluded, why should not aliens, who did not exist in America when the Constitution was adopted? The Supreme Court has often stated that what the Constitution meant when it was adopted it means to-day. There were practically no aliens then.

Now, it seems to me that if the contention is correct that every person in this country has to be counted at the time the census is taken for apportionment purposes, all ambassadors and their retinues and all other persons who may be in the country on business or otherwise would at the time the census is taken have also to be counted.

It seems that the Director of the Census is in the habit of determining for himself to a certain extent who shall and shall not be counted; and in order to ascertain exactly what persons he did and did not count, I wrote the Director of the Census a letter on May 3 asking him, first, what his practice is in counting for population, and did he count everybody who is in the United States at the time that the census is taken.

I further asked him if there were a number of foreigners in the United States for purposes of business or who were visiting here, if, for example, an exposition was going on in this country, and a large number of foreigners were in attendance with exhibits or for other business reasons, how are they carried and are they counted? In other words, I asked him to state whether he distinguished between these and other aliens for reapportionment purposes.

The reply of the director was, first—

that he counted all persons whose usual place of residence is in the United States, omitting visitors from abroad and other persons here only for a short time.

Second, foreigners who are here in the United States temporarily for the purpose of business or visiting would not be included.

He further stated "that in the more recent censuses the enumerators have been instructed to include all persons whose 'usual place of abode' is in their district." He states, however, "that the law supplies no definition of the term 'inhabitant' or of the phrase 'usual place of abode.'"

In other words, Mr. President, at present, if the enumerators believe a person is only temporarily here, they leave him out. I say there is no authority for doing that. It may have been done in the past; it has been done in the past; but I do not believe it is the authorized thing to do.

I quote still further from the address of Mr. TUCKER:

Now, it is insisted that the words "free persons" herein must include aliens, because aliens are persons; and such persons insist that a body of men like the Constitutional Convention, assembled to make a Constitution for the people of the United States, when they used the words "free persons" meant to include aliens by allowing them to be enumerated in the census, and thereby making them a force and influence in the Congress of the United States and in the Electoral College. There can be no doubt what was intended if we read the preamble itself of the Constitution. It declares—

"We, the people of the United States, in order to form a more perfect Union * * * and to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

If aliens are to be given the privilege by being enumerated for representation in the House of Representatives, and to that extent create, under the present estimate of the number of aliens in the United States, a number of additional Representatives, did the people of the United States ordain this Constitution for themselves and their posterity or for themselves and their posterity and aliens?

* * * * * * *

I, however, examined the reports on the first two censuses, I think, and there was no enumeration of aliens, according to my recollection. The First and Second Censuses were made under acts of Congress providing "for the enumeration of the inhabitants of the United States." I understand that that has been done in the last few years, but how far back I do not know; but, supposing it to have been the habit of the Government from its foundation down to this time, whether that "practical" construction would prevail over a present law of Congress is a very interesting question.

* * * * * * *

No legislature can bargain away the public health or the public morals. The people themselves can not do it, much less their servants. The supervision of both these subjects of governmental power is con-

tinuing in its nature, and they are to be dealt with as the special exigencies of the moment may require. Government is organized with a view to their preservation and can not divest itself of the power to provide for it. For this purpose the legislative discretion is allowed and the discretion can not be parted with any more than the power itself.

The review of cases that can be cited shows a continuous line of decisions from 1819, beginning with McCullough against Maryland, followed by Dobbins against Erie County in 1842, by Collector against Day in 1870, Stone against Mississippi in 1874, Compagnie Française de Navigation against Board of Health in 1901, and the Child Labor case in 1921 holding that no provision of the Constitution, however, seemingly clear and specific, can be construed in any way that will impair or destroy the Government of the United States or the States. The doctrine, salus populi suprema lex est, is interpreted in some of these latter cases as the doctrine of "self-preservation," and "necessary implication," and that doctrine from 1819 down to the present time has flamed along the highway of judicial progress with unfailing brightness. It is that accepted doctrine which we invoke to-day in the construction of the word "person" against the impairment or the destruction of the Constitution of the United States, following another well-known civil law maxim, ut res magis valeat quam pereat.

Here is where I rest my case. To admit the position of the opposition to my view is to admit a construction that may result in the destruction of the Government of the United States. That can not be.

Mr. President, I have read extracts from the address of Representative TUCKER, who is, I know, one of the greatest constitutional lawyers in the United States, and it is his considered opinion that the aliens in the United States should not be counted for the purposes of apportionment of Representatives in the House of Representatives.

This and the addresses of Representatives AYRES and HOCH, of Kansas, are the only considered opinions that I have found delivered by any lawyers of national reputation.

In view of the fact that Mr. TUCKER feels that the framers of the Constitution could not have intended that aliens should have any voice in the selection of Representatives in Congress, and also in view of the fact that when the fourteenth amendment to the Constitution of the United States was framed, the framers of that document evidently had much the same ideas and views that the original founders of the Constitution had, and that the word "persons," in the fourteenth amendment, means the same that it does in Article I, section 2, I am constrained to feel that Congress has the power, without a constitutional amendment, to pass an act to exclude aliens in making this apportionment; and this is a question of a political character, and that a court would hold that it possessed no jurisdiction over the subject matter.

In a speech delivered by President Garfield, then a Member of the House of Representatives, on December 6, 1871, which appears on page 35, volume 46, of the Congressional Globe, giving his ideas as to what would be a fair and just basis, and the manner in arriving at such a basis in conformity with the fourteenth amendment, he said:

As a member of the Committee on the Ninth Census in the Forty-first Congress I had occasion to look into this question, and a fact was brought out in that investigation which, I believe, is not generally understood by the Members of this House—that by the fourteenth amendment to the Constitution the basis of representation has been radically changed. Formerly the representative population of the United States was the whole actual population. Under the fourteenth amendment there was to be subtracted from the total population of each States, in order to get the representative population, a number to be ascertained as follows: All male persons 21 years of age were to be put down in one column, and in another all male persons 21 years of age who were denied the right to vote in any State for any other cause than crime or participation in the Rebellion. Now, when those two sums were found the ratio they bore to each other was the proportion to be subtracted from the total population in order to get the representative population. The committee then proceeded to inquire what classes of persons were thus denied the suffrage under State law. I hold in my hand the report of that committee, in which it was shown what classes were excluded from the suffrage in the different States, as follows: Men were denied the suffrage—

1. On account of race or color in 16 States.

2. On account of residence on lands of United States, two States.

3. On account of residence less than required time in the United States, two States.

4. On account of residence in State less than required time, six different specifications, 36 States.

5. On account of residence in county, city, town, district, etc., 18 different specifications, 37 States.

6. Wanting property qualifications or nonpayment of taxes, eight specifications, eight States.

7. Wanting literary qualifications, two specifications, two States.

8. On account of character or behavior, two specifications, two States.

9. On account of services in Army or Navy, two States.

10. On account of pauperism, idiocy, and insanity, 7 specifications, 24 States.

11. Requiring certain oaths as preliminary to voting, two specifications, five States.

12. Other causes of exclusion, two specifications, two States.

Here are 12 classes of causes why male citizens were excluded from the right to vote on other accounts than crime or participation in the rebellion.

It will be observed that Mr. Garfield's construction of the fourteenth amendment is that all male persons 21 years of age were to be placed in one column and in the other column there should be placed all male persons 21 years of age who are denied the right to vote in any State for what? For any other cause than crime or participation in the rebellion. Then he cited 11 different classes which are denied the right to vote in several States, among which is on account of residence less than the required time in the United States, clearly showing that, in his opinion, persons not naturalized are to be taken into consideration the same as others denied the right to vote. Of course, since the ratification of the nineteenth amendment it would mean all persons 21 years of age should be counted instead of all male persons.

The contention on the part of the proponents of the present apportionment measure is that it will take a constitutional amendment to empower Congress to exclude aliens in counting the whole number of persons in finding the population as a basis for apportionment. Cooley, in his work on Constitutional Limitations, states:

In regard to the Constitution of the United States, the rule has been laid down that where a general power is conferred or a duty enjoined, every particular power necessary for the exercise of the one or the performance of the other is also conferred. That other powers than those expressly granted may be, and often are, conferred by implication is too well settled to be doubted. Under every constitution the doctrine of implication must be resorted to in order to carry out the general grant of power.

The Constitution specifically authorizes Congress to pass legislation for an enumeration of the population every 10 years; but you may search the Constitution from the first to the last and nowhere can you find that Congress is given the power to make apportionment of the Representatives, but it has been doing this just as though it were a power expressly given; and why? Simply because it has been looked upon by Congress as a duty to perform. It is just as much of a duty to provide for a fair and just basis for such apportionment, and Congress has just as much power to do so as it has to make such apportionment. Mr. Story, in his work on the Constitution of the United States, in speaking of the powers of Congress, states:

Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an express power and necessary to its execution. If it be, then it may be exercised by Congress. If not, Congress can not exercise it.

No one can contend that the question of excluding persons in each State who are not naturalized, when counting the whole number of persons to ascertain the population for apportionment, is not properly an incident to the express power granted Congress by the Constitution; or but what it is necessary in making a fair and equitable apportionment of Representatives among the several States.

One of the best definitions of the powers of Congress which may not be specifically delegated to it by the Constitution is given by Justice Story in the case of Prigg *v.* Commonwealth of Pennsylvania (41 U. S. 618). He said:

No one has ever supposed that Congress could constitutionally, by its legislation, exercise powers, or enact laws beyond the powers delegated to it by the Constitution; but it has, on various occasions, exercised powers which were necessary and proper as means to carry into effect rights expressly given and duties expressly enjoined thereby. The end being required, it has been deemed a just and necessary implication, that the means to accomplish it are given also; or, in other words, that the power flows as a necessary means to accomplish the end.

Thus, for example, although the Constitution has declared that Representatives shall be apportioned among the States according to their

respective Federal numbers; and, for this purpose, it has expressly authorized Congress, by law, to provide for an enumeration of the population every 10 years; yet the power to apportion Representatives after this enumeration is made, is nowhere found among the express powers given to Congress, but it has always been acted upon as irresistibly flowing from the duty positively enjoined by the Constitution.

I can not conceive of better authority on the Constitution of the United States than Justice Story. He specifically points out that Congress should exercise powers which are necessary and proper as means to carry into effect rights expressly given, and duties expressly enjoined thereby, and calls attention to the constitutional provision which declares that Representatives shall be apportioned among the States according to their respective Federal numbers; and further, for that purpose the Constitution expressly authorizes Congress to provide by law for an enumeration of the population every 10 years. However, he says that the power to apportion Representatives after this enumeration is made is nowhere found among the express powers given to Congress, but notwithstanding that fact it has always been acted upon as irresistibly flowing from the duty positively enjoined by the Constitution.

In the case of Comitis *v.* Parkinson (56 Fed. Rept. 588) the court said:

> There can be no doubt but that the department of government which, in the distribution of authority under the Constitution, has power over the subject of naturalization has it also over the subject of expatriation. The Constitution is silent on the subject of expatriation, but Article I, section 8, paragraph 4 provides Congress shall have power to establish a uniform rule of naturalization. Where the Constitution is thus silent as to who can denaturalize, that department which can naturalize must be held to have authority to expatriate.

Applying the same doctrine to the question of designating who should be excluded in the count in ascertaining the population to be used as a basis for apportionment, I say that so long as the Constitution is silent as to whether persons not naturalized should be counted or excluded, that Congress has the power to pass legislation which will clearly fix the status of such persons.

The PRESIDING OFFICER (Mr. STECK in the chair). The time of the Senator on the amendment has expired. The Senator has 30 minutes on the bill.

Mr. TYSON. I desire to speak on the bill.

I can not see how the people of this country can desire that aliens should be permitted to be represented in the Congress of the United States, and, thereby, almost directly take part in the election of the President and Vice President, because of the fact that the States have in the Electoral College the same number of votes that the States themselves have Representatives in the House and Senate.

At the time of the adoption of the original Constitution and the fourteenth amendment the question of aliens was not important, but when we think of the fact that we have in this country to-day between six and eight million aliens, and assuming that each Representative in Congress will represent 250,000 people, that would make a difference of between 25 and 30 Representatives, due entirely to the alien population in the United States.

I ask in all seriousness, in all earnestness, and in all fairness and justice, could it ever have been intended that the alien population of the United States should have such representation in Congress, and especially was it ever intended that the alien population of the United States should have 30 to 35 Representatives in the Congress of the United States?

Also, was it ever intended that the alien population should have such a representation in the Congress of the United States as might elect a President of the United States, and that is exactly what can be done if our alien population is now permitted to have representation in the Congress of the United States.

It is true that in the case of Wing against the United States there is an interpretation of the meaning of the word "persons" as used in the fifth amendment to the Constitution, wherein it is stated that a resident alien born is entitled to the same protection under the laws to which a citizen is entitled. He owes obedience to the laws of the country in which he is domiciled, and, as a consequence, he is entitled to the equal protection of those laws. But that is taken, as I understand it, to indicate that a person is entitled to protection of life and property.

Now, an alien resident of the United States is certainly not entitled to the same privileges and rights to which the citizen is entitled. He has not the same obligation a citizen of the United States has.

During the World War about 1,000,000 persons of foreign birth, resident in America, claimed exemption under the draft because of their alienage. Page 90, Table 23, of the second report of the Provost Marshal General, 1919, shows that 1,703,000 aliens were registered in the draft up to September, 1918. Page 452 of the same book, paragraphs E and F, shows that 914,952 aliens were deferred and exempted because of their alienage.

There were exempted as alien enemies, 334,949; resident aliens, not enemy, claiming exemption numbered 580,003; total, 914,952.

This was more than one-half, or 53 per cent, of those registered claiming exemption who were exempted and placed in a deferred classification because of their alienage, and were never called. See page 76, Hearings before Committee on Immigration, Senate, February 4, 1929.

Those aliens in this great country of ours had been getting all the benefits of our country, were permitted to work here, were permitted to have property here; in other words, to get all the advantages of this great country of ours, which we had built up and made ready for them, and then when the Great War came, and the fate of the world hung in the balance, when we had to send our own sons 3,000 miles across the sea to fight in the greatest war of all time, these aliens back here at home safe and sound got all the advantages of the high prices of the war; got rich, and did nothing to save the country, but, on the contrary, lined their pockets with gold, while the citizen soldiers of our country were going out and fighting and dying in a foreign land for their benefit. When our soldier boys returned, in tens of thousands of cases they found these aliens sitting smug and secure in the places our patriotic sons had left.

I ask in all seriousness, are we going to disfranchise and take away the representation of States like Virginia, Kentucky, Tennessee, Mississippi, Iowa, Kansas, and other States, who have been fighting the battles of this Republic from the very beginning down to now, in order that we may increase the representation of the States in the Union whose population in the last 15 years has been greatly enhanced, due partly to the great increase in aliens from every land on earth, and thereby enable them to displace Representatives in Congress from States which now have this representation?

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Michigan?

Mr. TYSON. I yield.

Mr. VANDENBERG. I am sure the Senator does not mean to indicate that the other States which have benefited from population gain were any less patriotic or less loyal in their devotion during the last test of patriotism?

Mr. TYSON. I have said nothing about it and I do not intend in any way to reflect on the patriotism of any State of the Union.

Mr. VANDENBERG. I was sure that is what the Senator meant, but he called the roll of States which he said represented the honor roll, and I thought he undertook to exclude the others by inference.

Mr. TYSON. I said "and other States."

Mr. VANDENBERG. May I ask the Senator whether he has any information as to how many aliens did fight in our Army during the war?

Mr. TYSON. I have not.

Mr. VANDENBERG. Would it be perhaps out of line that there were as many as 400,000, which seems to be the figure I have in mind?

Mr. TYSON. That might be true. I could not say whether it was 100,000 or 400,000.

Mr. HEFLIN. From the United States?

Mr. TYSON. Yes.

Mr. HEFLIN. I do not think so.

Mr. TYSON. I would have to have information of a more accurate nature before I could concede that figure.

Mr. VANDENBERG. I am not stating it as a fact. I am merely asking the question for information.

Mr. TYSON. I was only giving information as to those who were drafted and who asked for exemption when our boys had to go out and fight the World War for their benefit while they stayed at home and got very good wages and no doubt made a great deal of money. If they had wanted to go and be good American citizens, I would have been very glad to see them go, but the fact that they wanted to be exempted and were exempted and stayed home while our boys went out and fought the World War causes me to believe that they are not entitled to representation in the Congress of the United States.

At least one of the States of the Union which will get a greatly increased representation by virtue of this bill, if it passes, has tens of thousands of orientals in it who will be counted and

thereby will have greatly increased representation in this Congress at the expense of native-born citizens of this Republic.

I say there is no justice in permitting foreign-born unnaturalized people in these United States to be counted to determine the number of Representatives any State should have.

Under the 1920 census a reapportionment on the basis of 435 Members would affect 17 States. How are these States now represented in the House going to feel about this matter? Are they going to be satisfied to have representation of other States, due to alien population, increased and their own representation decreased because of that alien population?

Furthermore, even the State of New York does not count its alien population for the purposes of representation in its own general assembly.

We did not have any reapportionment in 1920 for the reason that it was believed there was not a fair census taken at that time. Some even were unwilling to have a reapportionment because they thought it was an unfair census, and now they are proposing in 1930, after no reapportionment has been made in 20 years, to put upon us 6,000,000 or 8,000,000 aliens and to deprive certain States of representation in the Congress of the United States in order that those aliens may be represented in the Congress and may be able to help elect a President of the United States. I submit in all fairness and in all justice I am for the United States of America first, last, and all the time. It is a question, we are told, whether it is constitutional or not. It is said there is a doubt about it. Whenever there is any constitutional question involved I always stand for the United States of America and give the benefit of the doubt to our own people rather than to a lot of aliens who are living in the country and who, while they may be working here, are not citizens. Until they become citizens they ought not to have representation in the Congress of the United States.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. HEFLIN. It is claimed that fully one-half of those aliens were smuggled into the United States, so they are here without the authority of United States Government. The Government has never consented for them to come here. Coming in as they have, smuggled in as they have been, they are here, and it is proposed to have them counted in our population to increase membership in the House for the big cities of the East.

Mr. TYSON. Absolutely, and to deprive other States of their representation in Congress. The bill is brought in here providing for 435 Members in the House and it is going to take away from certain States a part of the representation which they now have in order that aliens may be represented in the Congress of the United States. Are those States going to be satisfied to have their representation diminished in order that aliens may have representation in the Congress? I say no. Congress may force the bill upon the States of the Union, but it is not going to be a satisfactory bill when Congress deprives certain States of their legitimate representation in that way.

Mr. CARAWAY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. TYSON. I yield.

Mr. CARAWAY. Would it not be a strange contradiction in the fathers who wrote the Constitution to have prescribed that an alien born could never be President of the United States, that he could not be a Representative in either branch of the Congress until he had lived here a certain number of years, that he could not vote until he was naturalized, and yet since we elect our President through an Electoral College, indirectly denying him the right to vote, then giving him the right to determine who shall be President of the United States? If they intended that aliens should be counted for the purpose of apportionment, why would they wish Congress to exclude them from actual participation in the Government?

Mr. TYSON. That is my view of the question.

Mr. CARAWAY. It seems to me unthinkable that they should have done the one and not the other.

Mr. TYSON. They had no idea of giving the aliens any such representation as is proposed to be given under the terms of the bill. Furthermore, the States of the Union in their assemblies and legislatures bar aliens. The great State of New York, that has more aliens perhaps than any other State in the Union, perhaps two or three times as many, does not count the alien population for the purposes of representation in its general assembly.

The provision of the constitution of the State of New York, which has to do with the apportionment of the members of its State legislature and State assembly, provides as follows:

> The members of the assembly shall be chosen by single districts and shall be apportioned by the legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens.

Here is the greatest alien State in the Nation in its own constitution excluding aliens in its representation in its own assembly.

It will thus be seen that the Constitution of the State of New York does precisely the thing that this amendment will do for the Congress of the United States.

Furthermore, the State of North Carolina has a provision in its constitution excluding aliens from being counted for representation in the general assembly of the State.

California, which State will get more benefit from the present bill than any other State in the Union, excludes persons not eligible to citizenship from the count in determining the apportionment for membership in its State legislature. Think of that—the very State that is going to get six additional Representatives through the operation of the pending measure excludes the very people that they want to have counted to bring about an increased representation from that State in the Congress of the United States. I ask, is that fair? Is it just? Is it right?

My own State of Tennessee apportions the members of its State legislature according to qualified voters. It goes farther and much farther than simply excluding aliens, but goes so far as to only permit enumeration within the limits of qualified voters.

As I understand from the apportionment bill it is expected that the State of California will get an increase of six votes in the House of Representatives, and if we eliminate the aliens in the State of California, instead of gaining six Members it might gain only four or five.

It is more than probable that the State of Michigan, if we eliminate the aliens, would gain only two more Members instead of three, as it expects to gain.

With all due respect to the distinguished Senators from California and Michigan, it is no surprise to us as to the reason for their great activity in trying to get the bill passed with as little delay as practicable.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. TYSON. Certainly.

Mr. CARAWAY. The Senator will observe the peculiar actions of the people who come from the urban districts. It is to rob the farm sections of their proportional representation. Their activity is inspired by reasons that no one need search far to ascertain.

Mr. TYSON. It is in the great cities that we find the great alien populations. That kind of population does not go to the country.

I wish to state emphatically that I make no attack upon the alien population of the country. I do not blame aliens from coming to the United States and continuing to remain here. I see no reason, however, why we should give them any special consideration except to protect their persons and property as long as they remain aliens. I see no reason why we should be called upon to fight the battles of this country for aliens who will not become citizens.

I am not seeking to take away any rights from the alien or any protection of the law from him. The question which I raise now is, Is it fair that a man who is foreign born and does not become naturalized should be counted to determine the number of Representatives in Congress to which a State is entitled?

Mr. President, it seems that it is unnecessary to discuss this matter further. I have given the main excerpts and the underlying principles as set out by the Hon. ST. GEORGE TUCKER, a great constitutional lawyer, that it is not unconstitutional to exclude aliens, and realizing the great injustice which it would put upon the citizenship of this Republic, the failure to exclude them from enumeration for apportionment purposes would be utterly and wholly unfair to the citizens of this country.

I therefore earnestly hope that the amendment to exclude aliens will be adopted.

Mr. President, I ask unanimous consent to have inserted in the RECORD a table showing a reapportionment of 435 Representatives in Congress on the basis of the total population as compared with a reapportionment based on the population exclusive of the foreign born who have not become naturalized. It is based on the census of 1920 and the method of "major fractions" was used.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Table showing a reapportionment of 435 Representatives in Congress on the basis of the total population as compared with a reapportionment based on the population exclusive of the foreign born who have not become naturalized. It is based on the census of 1920 and the method of major fractions was used

State	Present membership	Reapportionment on basis of—	
		Total population	Total population excluding aliens (unnaturalized foreign born)
Total	435	435	435
Alabama	10	10	10
Arizona	1	1	1
Arkansas	7	7	8
California	11	14	13
Colorado	4	4	4
Connecticut	5	6	5
Delaware	1	1	1
Florida	4	4	4
Georgia	12	12	13
Idaho	2	2	2
Illinois	27	27	27
Indiana	13	12	13
Iowa	11	10	10
Kansas	8	7	8
Kentucky	11	10	11
Louisiana	8	7	8
Maine	4	3	3
Maryland	6	6	6
Massachusetts	16	16	14
Michigan	13	15	15
Minnesota	10	10	10
Mississippi	8	7	8
Missouri	16	14	15
Montana	2	2	2
Nebraska	6	5	6
Nevada	1	1	1
New Hampshire	2	2	2
New Jersey	12	13	12
New Mexico	1	1	1
New York	43	43	39
North Carolina	10	11	11
North Dakota	3	3	3
Ohio	22	24	24
Oklahoma	8	8	9
Oregon	3	3	3
Pennsylvania	36	36	35
Rhode Island	3	2	2
South Carolina	7	7	7
South Dakota	3	3	3
Tennessee	10	10	10
Texas	18	19	19
Utah	2	2	2
Vermont	2	1	1
Virginia	10	10	10
Washington	5	6	6
West Virginia	6	6	6
Wisconsin	11	11	11
Wyoming	1	1	1

UTICA DAILY PRESS

Mr. NORRIS. Mr. President, several days ago, in discussing the power question, I read extracts from a letter from Utica, N. Y., in which it was stated that a Mr. Lewis was a stockholder in the Mohawk-Hudson Power Corporation, and also a stockholder in the Utica Daily Press. Quoting from the letter, I read as follows:

> Surely he has had in the past a large bearing on the management of the Utica Daily Press, and has kept it from telling the people of this community the truth.

I received a telegram from the editor of that paper, which was followed by a letter in which it is admitted that Mr. Lewis is a stockholder in the paper and also in the power company, but the letter states that he has never had anything to do with the management of the paper and has never even indirectly attempted to control the editorial policy. In fairness to the Utica Daily Press I want to read the letter of the editor to me:

> UTICA, N. Y., *May 8, 1929.*
>
> Hon. GEORGE W. NORRIS,
> *United States Senator, Washington, D. C.*
>
> MY DEAR SENATOR: Confirming telegram sent you last night, it appears from publication of a Washington dispatch yesterday afternoon that you perhaps inadvertently have done the Utica Daily Press an injustice. The implication of the letter which you read into the CONGRESSIONAL RECORD is that the Utica Press is controlled by the power interests. Any such statement is incorrect, as you will see by an official declaration on behalf of the Utica Daily Press Co., published on the front page of this morning's issue.
>
> Supplementing what is said therein about the activity of the Utica Daily Press in investigating the local rate situation almost a year ago, I beg to hand you herewith clippings from the files which will indicate the scope and character of that inquiry. Without attempting to take too much credit to ourselves, I think it is fair to state that the rate case now pending before the public service commission of this State, seeking a reduction of power and household electric lighting rates in Utica, would not have been initiated unless the Utica Press had first revealed the facts.
>
> In view of the foregoing, I hope you will see fit to read into the CONGRESSIONAL RECORD a statement regarding ownership of this paper and its attitude with respect to the power situation and any other information contained in the clipping sent you which you may feel pertinent.
>
> Yours sincerely,
>
> PAUL B. WILLIAMS, *Editor.*

Mr. President, with the letter came the copy of the Utica Daily Press referred to; and in justice to that newspaper I desire to read a portion of the article referred to in the letter, as follows:

> Control of the Press was called in question last night by publication in the Observer-Dispatch of an article from Washington stating Senator NORRIS had read into the CONGRESSIONAL RECORD a letter intimating that this paper is subservient to the power interests. The letter said William E. Lewis, who is a director of the Mohawk-Hudson Power Corporation, is a director of the Utica Daily Press Co.—

And so forth.

Mr. President, a careful reading of what was said at that time will not bear out the statement that I made any attempt even to insinuate that the Utica Daily Press was controlled by the power interests. I read extracts from a letter which showed that at least one of the stockholders of the power company was also a stockholder in the Utica Daily Press. I have examined the article referred to and the other inclosures, and they bear out the statement which Mr. Williams, the editor, makes in the letter which I have read. So it would appear, at least upon the evidence so far, that the Utica Daily Press has not been controlled by the power interests, but that it has been instrumental in trying to get a hearing before the Public Service Commission of New York in an effort to reduce the rates. I do not believe, Mr. President, I would be justified in printing all of these articles in the RECORD, as there are quite a large number of them and some of them are quite lengthy. It is sufficient, perhaps, to state that they do bear out the statement of Mr. Williams, the editor of the Utica Daily Press, in the letter which I have read, and I very cheerfully and gladly make this statement and read his letter into the RECORD.

I wish also to read the statement contained in the copy of the Utica Daily Press which I received this morning made by William V. Jones, president and business manager of the Utica Daily Press, and Paul B. Williams, vice president and editor. The statement is as follows:

> Mr. Lewis—

He is the man referred to in the letter who owns stock both in the newspaper and in the power company—

> Mr. Lewis has been a stockholder in the Press from its early days. In fact, he was one of the men chiefly responsible for the paper's being continued when failure threatened. His name has appeared regularly in the statements of ownership published in this paper. His interest dates back more than 40 years.
>
> The Press regards Mr. Lewis as a loyal friend and is proud to acknowledge the existence of a friendship of such long standing. Mr. Williams states unequivocally that during his time as editor Mr. Lewis has never made directly or indirectly any request or suggestion for favors to him personally or to any of the enterprises in which he may be interested.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT'S amendment.

Mr. ALLEN obtained the floor.

Mr. PATTERSON. Mr. President, I make the point that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Blaine	Broussard	Copeland
Ashurst	Blease	Burton	Couzens
Barkley	Borah	Capper	Cutting
Bingham	Bratton	Caraway	Dale
Black	Brookhart	Connally	Deneen

Dill	Heflin	Overman	Stephens
Edge	Howell	Patterson	Swanson
Fletcher	Johnson	Phipps	Thomas, Idaho
Frazier	Jones	Pine	Thomas, Okla.
George	Kean	Ransdell	Trammell
Glenn	Keyes	Reed	Tyson
Goldsborough	McKellar	Robinson, Ind.	Vandenberg
Hale	McMaster	Sackett	Wagner
Harris	McNary	Schall	Walcott
Harrison	Metcalf	Sheppard	Walsh, Mont.
Hastings	Moses	Shortridge	Warren
Hatfield	Norbeck	Simmons	Watson
Hawes	Norris	Smith	
Hayden	Nye	Steck	
Hebert	Oddie	Steiwer	

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Seventy-seven Senators have answered to their names. A quorum is present. The Senator from Kansas is entitled to the floor.

Mr. ALLEN. Mr. President, it is not my intention to delay the Senate very long. I think probably it may be regarded as something like effrontery that not being a lawyer I should break into the discussion of this subject after so many hours of legalistic hair-splitting over the meaning of a word.

I am not a lawyer; I belong to a calling that has been designated as a "so-called profession," a calling that in the use of words seeks clarity rather than the opportunity to multiply them; that has discovered for itself no use in the laws of tautology. I have been impressed during two days of legalistic argument, as I have been impressed heretofore by the fact, that when lawyers multiply legalistic technicalities the main interests of the client are sometimes forgot; that the real issues of the cause merge themselves into a sort of a background somewhat confused to the client and to the jury by the multiplicity of the legal phrases and the puzzling differences of opinion between able lawyers. Yet I am comforted that two of the ablest lawyers whom I have heard here this morning and Saturday, in voicing their objections to this amendment, have at the same time expressed the wish that they might vote for it. I have heard other men of legal ability express the belief that they could vote for it with perfect constitutional propriety. Thus, I am comforted by the occasion which arises to discuss the merits of the cause itself when separated from the technicalities.

I do not believe that in the sober things that have been said here this afternoon and Saturday about the intention of the fathers, who have been referred to with great reverence, "those dead but sceptered sovereigns who yet rule our spirits from their urns"—I do not believe that there is in the ordinary practice of the gentlemen uttering the sentiments a determination to hold so severely to the reverence they have for those constitutional authorities as they now hold for purely argumentative purposes.

I am trying to visualize this afternoon a picture of the Constitutional Convention as it assembled. You know, last Saturday was an anniversary. Precisely 142 years ago George Washington had been elected president of the convention, and the question arose as to whether they were to proceed at once or to take a day off—the Saturday provision. Instead of deciding, as we decided last Saturday, to remain on the job, George Washington adjourned the convention, and he went to tea that afternoon; and the next day, which was Sunday, he went to church. I have this fact from George Mason, his colleague from Virginia, who said that they went to a Romish church, and that he (Mason) was somewhat annoyed by the constant tinkling of the bells. He had never been to a Romish church before; and that night the Father of his Country went to a town hall to hear a lady discourse upon the arts of elocution!

Fifty-five men came to the Constitutional Convention, amongst whom were 33 lawyers and 3 doctors and 6 farmers and 9 merchants. In that atmosphere, menaced as they were on the instant by lack of money, lack of credit, lack of harmony, and by every emergency that challenged a nation in the hour of its needed construction, do you suppose they spent the hours in figuring out the meaning of the word "person" that we have spent in discussing it here?

At that time, Mr. President, the problem of immigration had not arisen. Webster's Dictionary had not arrived. There were 3,200,000 free persons, 800,000 slaves, some witches, and some witch burners and sundry; and the problem was to create for these folk that which should become—and has become, thank God!—the covenant of a great nation. At that time, as I say, Webster's Dictionary was not there, and the authority on words was Johnson's Dictionary of English Words..

It has been said by one able speaker this afternoon that it would not be possible, of course, that the fathers of the Constitution should have had four or five constructions to place upon one word; but here are the constructions that Johnson's Dictionary of English Words placed upon the controverted word.

First, he defines "citizen." He had four definitions of "citizen," did Johnson. First, he said, "He is a free man of a city, not a foreigner, not a slave." Second, he said, "He is a townsman, a man of trade, not a gentleman." Third, he said, "He is an inhabiter, an inhabitant, a dweller in any place." Well, of course, it is obvious that the fathers of the Constitution would have been puzzled in the use of that word.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. ALLEN. I do.

Mr. BORAH. Has the Senator before him a definition of "patriotism" as given by Johnson?

Mr. ALLEN. No; I have not that before me.

On the word "person," Johnson said, first, that a person is "An individual, a particular man or woman," and, second, he said, "Man or woman considered as opposed to things"; and next he said, "A human being"; and then he said, "A man or woman considered as present, acting and suffering"; and then he said, "A general loose term for a human being, a man or a woman." And so he goes on with nine definitions.

Well, these framers of the Constitution were just men met to solve difficulties of which this particular difficulty was not one. They organized the convention. They established a set of rules, some of which are very interesting, and show that they had ideas as to what might happen in the future. I am going to read you one or two of their rules, because they do seem to touch not only upon this subject of patriotism to which the able Senator from Idaho [Mr. BORAH] has called my attention, but upon other and more cogent and more present matters.

The rules of the convention provided:

> Every member, rising to speak, shall address the president; and whilst he shall be speaking none shall pass between them, or hold discourse with another, or read a book, pamphlet, or paper, printed or manuscript.
>
> And of two members rising at the same time the president shall name him who shall be first heard.

And then this:

> A member shall not speak oftener than twice, without special leave, upon the same question, and not the second time, before every other who has been silent shall have been heard, if he choose to speak upon the subject.

And then it says:

> When the house shall adjourn, every member shall stand in his place until the president pass him.

We who have held so closely in the last two days to this word "person," which has been made to turn so many somersaults in this sacred place, have forgotten a lot of the other sober intentions of the great constitutional body whose language in one word has led to such legislatic debate.

Chief Justice John Marshall knew these men, knew their habits, knew their customs. They were different customs and different habits from those under which we live. The 55 men who came to the convention traveled on horseback or in stagecoaches. Those who regarded themselves as the aristocracy—that is, the doctors and lawyers—wore wigs and gowns. They used snuff. Snuff in those days, Mr. President, was a useful prophylactic, the use of which has been discontinued in these days of better sanitation and better disinfection; but in those days it was much used. They had none of the comforts which characterize us in this happy hour.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New York?

Mr. ALLEN. I do.

Mr. COPELAND. I wonder if the Senator is aware that the snuffbox is still here, so that its prophylactic use may be resumed at any time?

Mr. ALLEN. I am aware of that; and I was about to say that it is a matter of great relief to a new Senator here to know, as is generally known amongst the intelligent population of the country, that the snuffbox is there; but I have not seen it used a single time in this body in the 30 days I have been here, which led me to speak in words of commendation about the modern day.

When they came to the hour of deciding or not deciding upon this question, does anybody here honestly believe that any member of that convention gave serious thought to the future construction of the word "persons"? On the last day of the sessions of the convention, 15 lawyers refused to sign the new Constitution. They could not agree then any more than they can agree now. All of the farmers signed it. All the doctors

signed it save one. Three-fourths of the merchants signed it, but 15 of the lawyers could not agree. Apparently there was some question in their minds of the constitutionality of the Constitution, and they would have none of it. But in that day, if one of these constitutional lawyers had stood before them and said, "Now, here, does this mean that in 1929, when we are going to reapportion the United States, we shall take away from the rural communities representation, in order that alien population in the urban communities may have representation?" If anybody had presented that particular issue, what do you think the sainted fathers would have said?

You know, I think, their reply would have been reminiscent of that which Secretary Manning is said to have given during the days of Grover Cleveland. An Asiatic woman had given birth to a little American citizen, and, coincident with the occurrence, she had been ordered deported from the country, and the question arose as to whether they were going to send this Asiatic woman away, tearing her babe from her breast, or whether they would let her keep her babe. There was a very poignant discussion, and finally they said, "We will ask Manning," and Manning sent to this strict conformist in the immigration office in California five words, one of which I apologize in advance for using. He said to the strict conformist: "Don't be a damned fool."

I have no doubt that while the fathers of the Constitution would not have been guilty of answering with such emphasis as that, their answer would have been somewhat reminiscent of that mood, which was the impatient mood of an American citizen asked to solve in common sense a question which had been involved by legal technicalities, and John Marshall—who, as I say, knew these men, knew their qualifications, knew their meaning, knew what was fundamental in the Constitution, and why it had been written—rendered a decision not long afterwards in which the meaning of a controverted word was involved, and in that decision he said:

> It has also been said that the same words have not necessarily the same meaning attached to them when found in different parts of the same instrument; their meaning is controlled by the context. This is undoubtedly true.

Well, my friends, if ever there was a case in which the meaning of the word was controlled, not only by context but by common sense and common patriotism and American policy, then this word that we have tossed about this Hall means that the fathers of the Constitution did not intend that we should be so inelastic as not to answer in favor of the American citizens a question of this character.

A man said to me the other day, "Well, what about the rights of these aliens? Do they not pay taxes?" Of course, they pay taxes; but, my friends, their rights are protected by two great institutions under our Government and under our Constitution. First, their rights are protected by the treaty relations between this Nation and the nations in which they still hold their citizenship; and, second, they are protected by the honorable courts of this land, which make no contradistinction in time of peace between property rights of aliens and property rights of citizens. Moreover, there is ample provision for their becoming citizens if they so desire.

And so, my friends, what we are seeking to determine here this afternoon is not the legalistic meaning of the word. It is more fundamental than that. We are discussing a proposition that belongs to our national policy. Can any man of patriotism or of ordinary reason say that when it comes to that we must answer this amendment in the negative; that because of the mere fear we may have that we are not taking the writers of the Constitution as seriously as we ought to take them we shall write the monstrous provision that we shall take away from citizens their representation in order that there may be alien representation in the Congress, and by that act change the very foundation of law making, and weaken immeasurably the strength with which we hold the American idealism of this country in the rural districts?

I thank you.

Mr. BLAINE. Mr. President, I shall not detain the Senate long. At the outset I want to say that I am wholly out of accord with the purposes of this amendment. I am not going to discuss the legal phases of the subject.

Mr. BORAH. Mr. President, will the Senator permit an interruption?

Mr. BLAINE. I yield.

Mr. BORAH. There has been a great deal said about the "legal phase," especially emphasized by the Senator who has just occupied the floor, and about the legalistic definitions and legalistic splitting of hairs, and so forth.

If there is any word in the Constitution a correct construction of which does not require any legal learning, it would seem to me to be the word "person." Go out into the street, into any gathering, and ask what those present understand "person" to mean, and, whether there are any lawyers there or not, they will agree, perhaps 99 per cent, as to what the word means, whether they ever saw a legal dictionary or ever saw a Constitution or not. There is really no legal question involved. It is a question of the interpretation or construction of a word just as familiar and just as well understood by the layman as it is by the lawyer.

Mr. BLAINE. Mr. President, I was about to state that I would not discuss the legal phase or the so-called constitutional phase of this question, because, to my own mind, the language is so plain that it does not admit of construction other than to use the language itself. A statement of the constitutional provision is a clear statement of the construction of the constitutional provision, and the Senator from Idaho has well put the matter.

I want to address myself to the proposition of policy, reflecting back upon the history of our Nation. Our Constitution builders proposed to establish here a representative democracy consisting of a Federal Government and a government of States. The problems confronting them were not easy of solution. The Federal Government was to have certain power and jurisdiction, and the respective State governments were to have their certain power, jurisdiction, and responsibility. So, in constructing this form of government, the Constitution makers said, "We shall have two Houses of the Congress—one, the Senate, composed of two Members from each State." Why that provision? I answer, that a small group of States, with a large population, would not be able to control, by mere force of numbers, the Senate of the United States.

On the other hand, they said, "We will give representation to the States in the other branch of Congress according to a certain apportionment," so that the popular opinion might be expressed in that branch of Congress. There we have, as far as it was possible to design, a balanced system in the legislative machinery of this country.

I will not discuss that further, but I call attention to that system for another reason. The original Constitution fixed the apportionment according to a certain formula. That formula was to take the whole number, to be determined by adding to the whole number of free persons, including those bound to service for a term of years, three-fifths of all other persons, excluding, however, Indians not taxed.

In the drafting of that provision of the Constitution the Constitution builders realized that the States of the Union were going to be held responsible in the functioning of the State governments, and there was that responsibility immediately upon the adoption of our Constitution.

The States had the burden of providing educational systems for all inhabitants within the States. The States were burdened with the duty and obligation of providing for health and sanitation, of building highways, of affording police protection. In fact, the social obligations of Government reposed in the respective States.

Therefore, the States were interested in the apportionment of Representatives, because the States were obligated to protect and to advance every human being within each respective State. In order to have a representation in Congress equal to the burdens and obligations placed upon the States it was provided that all free persons, including those who were bound for a term of years, were to be enumerated. Likewise, they divided the responsibility respecting the enslaved of those days, and the ratio in which the slaves should be counted for the purpose of reapportionment was fixed.

When the fourteenth amendment was adopted exactly the same situation prevailed, with the changes which were brought about by reason of the Civil War. So this question goes deeper than the mere matter of counting aliens in apportioning Representatives in Congress from the several States.

What is the situation to-day? The State governments, through their towns, their cities, their counties, through their local units, are carrying substantially the entire burden of modern civilization. There is little contribution by the Federal Government. The Federal Government's function primarily is to impose burdens.

To-day States maintain complete systems of schools, of primary schools, high schools, universities, continuation schools, night schools, part-time schools, vocational schools. They maintain public libraries. The State and its communities maintain the highways. The local units of a State government maintain the streets, provide for sanitation and public health in the respective local units; they afford police protection; in fact, sub-

stantially all the service, I repeat, that is contributed to the advancement of our modern civilization is rendered by the States. The States, therefore, being burdened with these obligations, are entitled to certain protection in their representation in Congress.

I do not admit for one moment that Members of Congress, either in the Senate or in the House, are intended to represent any individual or group of individuals. I do not concede that a single Member of Congress is a special representative of women or men, children or adults, or the insane, the incompetents, the indigents, or aliens or citizens. The apportionment intended by the Constitution was not an apportionment whereby any group was to receive representation. The apportionment was to the respective States. So a Member of Congress represents every single human being residing within the State of which he is a Representative, and every class. This privilege is not the privilege of any single group or class; it is the privilege of the respective States.

In this representation in Congress, it was proposed, as I view the history of our Government, as I understand our Government, that the States would be entitled to a representation in the House of Representatives equal to the whole number of persons within the State, excluding only Indians not taxed. And why, Mr. President? Because our forefathers saw then that there would happen what we observe happening now, the Federal Government constantly placing additional burdens upon the States in matters of taxation, and in other respects. It was never intended by the builders of the Constitution that any group of States, small though they might be, should have such an overwhelming voice in the House of Representatives as to make undue exactions against another group of States.

The protection of the States lies within the proper construction placed upon this constitutional provision. Every alien who comes to a State becomes a certain burden upon the community. The object of the laws is not the protection of the alien alone, it is as well the protection of our own people. The State furnishes education for the alien, the State furnishes proper sanitation and health regulations for the alien, the State furnishes police protection for the alien. In fact, without the State furnishing all of those undertakings and protection, the people as a whole might be endangered.

The larger obligations in connection with aliens and all other people, whatever their status may be, rests upon the States. If those States which have a large population of noncitizens are to be cut down in their representation, then I can well conceive that a group of States small in population but many in number might combine to drain the entire taxing ability of the people of those States and thus bring the larger States to the brink of bankruptcy.

Mr. President, this matter goes far deeper than a question of construction or the intent of the Constitution. I can not let go unchallenged the proposition that in apportioning Representatives we were apportioning them as the representatives of aliens. That is not the basis of representation. It was never intended to be, and it ought not to be. If it is to be, then, Mr. President, I warn now that we are treading on thin ice if this problem can not be solved on the broad basis of the National Government in its relation to the several States and their obligations.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. TYSON in the chair). Does the Senator from Wisconsin yield to the Senator from California?

Mr. BLAINE. I yield.

Mr. SHORTRIDGE. After all is said and done, whatever our views may be as to what the Constitution should be, are we not in final analysis brought to the proper interpretation of the Constitution as it is, for by it I and you and all of us must be governed. Is not that the final, crucial, and only question?

Mr. BLAINE. Exactly.

Mr. SHORTRIDGE. Not only the policy, not what it might be, but what it is?

Mr. BLAINE. That is true, but it has been suggested by some that they chose to amend the Constitution in this way. I did not want that proposal to go by unnoticed without challenge as to the propriety of such a change in policy.

Mr. President, the kind of apportionment designed by the fathers to meet the conditions of those days is more appropriately binding to meet the conditions of to-day. With advancement in education, the demand for good roads, sanitation, public health, protection of life and limb of working men, women, and children, running the whole gamut of social advancement, substantially the entire responsibility rests upon the respective States. As a matter of policy I for one am not in favor of an amendment to the Constitution excluding aliens.

Moreover, while I have the floor I want to say in conclusion, that the nativistic philosophy that seems to be permeating many sections of the country carries no weight or force with me. I know the Northwest and our people. I know that less than 100 years ago those whose parents were immigrants in the New England States migrated to the Mississippi Valley. I know that the immigrants from all the nations of the world who were admitted in the United States have been men and women who from the very discovery of America laid here the foundation for a free government. In the very nature of things, that would come about. As the New England migration swept westward into the Mississippi Valley it went on and on to the Pacific coast. It was a splendid army of men and women willing to brave the perils of the pioneering days with all of its privations and difficulties. Those men and women who constituted the throng of independent citizenry of Europe ever since Ericson and Columbus, braved the thousands of miles of open sea. There were no airplanes in those days; no greyhounds of the ocean in those days. Those were the days when it took men and women of courage and nerves of steel. They came to America, a country unexplored, and westward they took their way.

Who were those people? They were not the degenerates of those countries. They were not the sediment of mines or mills of the British Empire or any other country. Oh, it is true there have been exceptions. There are exceptions also in the descendants of the Colonial stock. But from the early days down to the year 1929 we have received the very cream of civilization. Who were those men and women? They were the men and women who would not yield to the tyrannies of their home government, who would not submit to the tyrannies of the economic conditions found in their homelands—men and women who would not yield to religious tyrannies—brave indeperdents, rebels, if you please, who left the boundaries of their homeland, and here they came, from the beginning of our Nation down to this very moment. They were the choice of their respective countries. They were the choice because they had within themselves the seed that makes a great democracy.

So, Mr. President, as I hear the outpouring against aliens, I recall—and it is vivid to me—that these millions upon millions who with their descendants constitute the very essence of democracy demanded the right of decent economic conditions, the right to worship God according to the dictates of their own conscience—such were the men who rebelled against the tyranny of government. They have long since passed on, but their spirit remains.

Mr. President, I close repeating the proposition that those who wrote our Constitution and those who promoted the fourteenth amendment designed a system for the protection of every State, and the privilege of representation in Congress is the privilege of the respective States and not of groups or classes.

The PRESIDING OFFICER. The time of the Senator from Wisconsin on the amendment has expired.

Mr. BARKLEY. Mr. President, I appreciate the fact that not only do those of us who happen to be Members of this body at this time differ in our construction of the Constitution, but there have been fundamental differences in its construction all the way back to include the members of the Constitutional Convention who wrote it. Thomas Jefferson was probably the outstanding strict constructionist in the early history of our country with respect to the Constitution of the United States. In 1806, while he was President of the United States, he found a surplus in the Treasury and desired to have Congress appropriate that surplus for the improvement of public highways, rivers and harbors, and other internal improvements, but, because he did not believe Congress had the power to make an appropriation for internal improvements, he recommended the submission of an amendment to the Constitution authorizing Congress to appropriate money for this purpose.

No man in the Constitutional Convention probably had more to do with the framing of that immortal instrument than had James Madison. We owe to him practically all that we know about the discussions that occurred during its consideration; and yet James Madison as President of the United States vetoed a measure passed by Congress appropriating money for the building of a public highway, on the ground that the Constitution did not authorize Congress to make such an appropriation. In 1817, I think it was, James Monroe vetoed a similar bill on the same ground, that Congress had no right to appropriate money for the improvement of highways or for the construction of a canal or for the improvement of rivers and harbors.

As late as 1847 James K. Polk vetoed a similar appropriation passed by Congress, on the ground that Congress had no

authority to make an appropriation for any sort of internal improvements; and yet, Mr. President, in the last three-quarters of a century, without any amendment having been made to the Constitution, it has been the settled policy of this Nation, upheld by the highest courts of the land, that Congress has the authority to make appropriations for internal improvements. Following the exercise of that power, under the decisions of our Supreme Court, we have appropriated billions of dollars for the improvement of navigable rivers, for the construction of canals, for the improvement of harbors, and for the construction of highways, from one end of this Nation to the other.

So, if our forefathers, who had a hand in the writing of the Constitution, were wrong in its interpretation, if taking advantage of the discussions and viewpoint of every member of the Constitutional Convention, they found themselves mistaken as to its proper interpretation, it is not strange that even constitutional lawyers in this day find themselves unable to agree about its meaning. And a disagreement over its meaning involves no lack of good faith or patriotism.

Of course it is difficult, in the absence of any extended comment upon the discussion engaged in by the Constitutional Convention, to place ourselves precisely in the attitude of its members, to insert our eyes into their vision in an effort to interpret what was in their minds and in their hearts; but I should like to imagine that those who framed the Constitution were practical men and were foresighted men, as we all know they were. Until the adoption of the Constitution there was no yardstick by which citizenship could be accurately measured, and it is my judgment that when the Constitution was adopted and the new Nation was founded, they covered people into citizenship just as we now cover into the civil service by some act of Congress all those who are employed in any department or division of the Government of the United States.

The suggestion has been made here that because in the first draft of this clause of the Constitution the words "free citizens and inhabitants" were used and that afterwards the phrase was changed to "persons" it thereby must be interpreted to mean all persons of any character, kind, or condition who happened to be within the confines of the United States at that time, or at any future time; but if we are correct in assuming that the word "persons" was substituted as a more convenient word than to use the two expressions of "free citizens" and "inhabitants" even that does not include everybody. It is not difficult to understand those who were included in the expression "free citizens," but an inhabitant of a State or an inhabitant of a nation or an inhabitant of a town or of a community does not necessarily mean everybody who is in the town, county, State, or Nation at a given time. If the language had been left as it was originally, it might be construed as including free citizens and, by a paraphrase of its meaning, those permanently located in the State or in the Nation, because "inhabitant" has a different meaning even from "resident." In the Supreme Court decision interpreting the jurisdiction conferred by Congress upon the Federal courts of our country, the court interpreted the word "inhabitant" to mean citizen. But whether it means citizen or even has a broader construction, it certainly can not be defined to mean every human being who happens at any given time to be within any geographical limitation of this or any other country.

So, I do not agree with the distinguished constitutional lawyers—and I do not place myself in that category, though I have tried, in my humble way, to make some study of that fundamental law of our land, and I do not interpret the change in the Constitutional Convention of the expression "free citizens and inhabitants" to "persons" to include everybody, regardless of how long they had been here, how long they intended to remain, or what might be their condition or status at the time the Constitution was adopted or at a given time in the future history of the country.

The word "person," of course, is used, as has already been outlined many times, in the Constitution, and it may have a different interpretation each time. If it be true that all the inhabitants, all the residents, the entire population of the United States, excepting those who had affirmatively declared their intention not to become citizens of the United States—and there were such immediately after the Revolution; some who had not been in sympathy with the Revolution, some who had conspired in favor of the mother country to bring about a defeat of the continental forces—if with those exceptions, it be true that we may understand that the Constitution in its application to citizenship at that time intended to cover under the blanket of the Constitution and the flag all those who were in the country at that particular time, except such as might have affirmatively declared their intention not to become citizens, we certainly can not project that interpretation to the indefinite years of the future to include the situation which now exists in this country.

Even if it can be interpreted to mean all those who have a legal status in the United States, whether citizens or not, all those who have entered here under our immigration laws, under passports, properly visaed and countersigned, indicating the approval of the Government of the United States, it certainly can not be extended to include those who are unlawfully here, who enjoy no legal status, who can not become citizens of our Republic, who are subject to deportation if the Government has the power to locate them and bring about their deportation, as is now provided for in the naturalization and immigration laws of the United States.

It has been claimed that because in section 3 of the fourteenth amendment, which is a repetition somewhat of the original section, it is provided that no person shall be a United States Senator unless he shall have been a citizen for nine years and no person shall be a Representative until he has been a citizen for seven years, and no person shall be President unless he is a natural-born citizen and unless he shall have been 14 years a resident within the United States at the time of the adoption of the Constitution, that the Constitution makers necessarily meant to include other persons besides citizens of the United States. In order to test whether it be subject to that interpretation we might transpose the language and say, which would mean the same thing, that any person who is President of the United States must be a natural-born American and must have been here 14 years at the time the Constitution was adopted; that any person who is a United States Senator must have been a citizen for nine years and any person who may be a Member of the House of Representatives must have been a citizen for seven years, and so on. Certainly by that transposition of the language, which means the same thing, the word "person" in that sense can not be interpreted to include all human beings who happened to be in the United States at that time or at any given time in the future.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from Kentucky yield to the Senator from California?

Mr. BARKLEY. I yield.

Mr. SHORTRIDGE. I do not wish to break in upon the thread of the Senator's argument, but, referring to the fourteenth amendment, I wish to inquire, Has he directed his attention particularly and closely to section 2 and to the exclusive words therein? Merely to develop the Senator's view, I ask him this question: It will be observed that section 2 of the fourteenth amendment, in part, reads:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

My immediate question is this: Has the Senator given thought to the familiar maxim of our profession which in Latin, if I remember aright, reads, "Expressio unius, est exclusio alterius"? The exclusion language in the section is limited to one, and only one class.

Mr. BARKLEY. I appreciate the force of the Senator's question, but I do not think it applies in this instance.

Mr. SHORTRIDGE. Does not that leave in the section all others not expressly excluded, applying the maxim to which I have referred?

Mr. BARKLEY. I do not so interpret the language, and I base my interpretation upon this line of reasoning: In the first place, the Indian occupied a peculiar status in the United States at the time of the adoption of the Constitution, and he has occupied that peculiar status from that time until now. Having been the original possessor of the country, it may have been considered at least a matter of fairness and courtesy on the part of our forefathers who wrote the Constitution and were in process of taking charge of the domain that they owed it to the Indian at least to mention him specifically as not being included in the apportionment if he were not taxed to support the Government.

Mr. CARAWAY. Mr. President, will the Senator yield to me for a minute?

Mr. BARKLEY. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does the Senator understand from that language that every Indian was excluded for the purpose of apportioning representation, or was it only those Indians not taxed?

Mr. BARKLEY. I understand it to mean only those Indians not taxed, but it may have included others also.

Mr. CARAWAY. The Senator realizes that that is subject to interpretation?

Mr. BARKLEY. Yes.

Mr. CARAWAY. It is not certain whether it means all Indians, or whether the Indian not taxed might have been himself a voter. I wanted to emphasize this, if the Senator will pardon me—that anyone who thinks he can look to one particular expression and gain the whole intent and purpose of the Constitution is going to find himself involved in a difficulty every time he reads it; and I just want to say this: The makers of the Constitution were guarding against certain influences. They said that no one should be President of the United States unless he was born here; no one could be a Representative unless he had been here a certain length of time; nor a Senator unless he had been here nine years. Does the Senator think that people who were so careful to guard against alien influences would have apportioned representation—which carries with it the Electoral College—so as to include that very class that never could be President, and would have to be here a certain length of time before they could vote, and a certain length of time before they could hold office, and yet let them determine who should be President of the United States? Does the Senator think that is possible? Could it be so charged that they overlooked it, or that they intentionally gave the alien the power to name a President, although he never could be one?

Mr. BARKLEY. That is the very point I am coming to and undertaking to emphasize.

Mr. CARAWAY. I beg the Senator's pardon.

Mr. BARKLEY. I appreciate the suggestion of the Senator from Arkansas, which has probably hastened my mentioning that point. He is always interesting and adds to the sum of human knowledge on any subject he discusses.

As has already been suggested—and I do not desire to be guilty of tautology, though sometimes the law itself may be guilty—our forefathers were framing a government to be of the people of the United States. They were carefully safeguarding the interests of our country by providing that no man not a native-born American, however able, however conscientious, however distinguished in the pursuit of his vocation in life, could ever become President of the United States; that no man not a citizen for nine years could become a Member of this body, however intelligent he might be; that no man not a citizen at least for seven years could be a Member of the other body of this Congress. They were seeking to provide that those who came here and underwent the processes of naturalization to identify themselves with our country, to become voters and qualify themselves to take a part in it, should at least have been here a sufficient length of time to have become amalgamated with our population and understand something of our Government, and we must conclude that they were seeking to build up a harmonious document and a harmonious nation.

Let us project the imagination of our forefathers. Let us specify Madison, for instance, and Morris, who were in the Constitutional Convention. Suppose they had been sufficiently imaginative to have projected their intelligences 140 years in advance, and to have comprehended the situation that now exists in the United States. It has been estimated that there are some seven to eight or nine million unnaturalized noncitizens of the United States. I do not like the word "alien." It carries with it a sort of opprobrious implication, an implication of enmity, which I do not like to impute, and yet it is a perfectly understandable expression. What ever may have been their design, their intention in coming to the United States, whether legally or illegally, there are some seven or eight million of people who have come to this country within the last few years who are not citizens of our country, who may never become citizens of our country; and in the State of California, represented so ably by the senior and the junior Senators from that State, there is a considerable proportion of the population that never can become citizens of the United States; and in the constitutional provision of the State of California for an apportionment of members of the California legislature they are excluded from the count and from consideration in determining the representatives in the branches of the legislature of that State. Not only does that include those who come here legally under our immigration law, but it includes those who are smuggled in by the thousands; and they may be as many now as those who have come in legally, if the testimony of the Secretary of Labor is correct.

Mr. SHORTRIDGE. Mr. President, will the Senator yield for a moment?

Mr. BARKLEY. I yield.

Mr. SHORTRIDGE. If we were in California to-day and members of the State legislature in session at Sacramento, and were dealing with the question of apportionment, of course we would be bound by the constitution of the State.

Mr. BARKLEY. Of course we would.

Mr. SHORTRIDGE. So I am sure the Senator will bring himself back to the Constitution of the United States, and what it means.

Mr. BARKLEY. Yes; I appreciate the fact that the Senator or any other man who has a proper conception of his legislative duty would be bound by the constitution of California in making an apportionment. What I am emphasizing is that the people of California provided in their constitution that a certain proportion of the population of that State who never can become citizens of the United States under our naturalization laws, are not considered and included now, and can not be by the legislature, in the matter of apportioning members of the State Legislature of California.

Mr. WALSH of Montana. Mr. President, I rose to inquire what information the Senator has about the provision of the constitution of California on that point.

Mr. BARKLEY. The constitution of California provides that in making a reapportionment for members of the legislature, no consideration shall be given to those who, under the laws of the United States, can not become citizens of this country.

Mr. WALSH of Montana. I should like to inquire of the Senator if he has information as to any State in the United States that makes the apportionment of members of its legislature on any other basis than the census returns.

Mr. BARKLEY. Yes, sir; I am going to call attention to that. The basis in Arkansas is the number of adult male inhabitants. California excludes all who can not, under our naturalization laws, become citizens. Idaho's first legislature was based on voting population. Indiana was originally the number of male inhabitants. Kansas used a basis of voting population. In Maine the basis is "inhabitants, exclusive of foreigners not naturalized, and Indians not taxed." Massachusetts provided for an enumeration of "legal voters" as a basis of representation. Nebraska excluded Indians not taxed and soldiers and officers of the Army and Navy. At one time New Hampshire fixed the payment of taxes as the basis. New York now excludes aliens specifically from consideration as a basis for representation in the legislature, as does North Carolina. Oregon provided for the consideration only of the "white population" as a basis for representation. South Dakota excludes Indians not taxed and soldiers and officers of the Army and Navy. Tennessee and Texas make the number of "qualified voters" the basis for legislative representation. Washington excluded Indians not taxed and soldiers, sailors, and officers of the Army and Navy, as does Wisconsin. Some of the States use the word "inhabitant" as the basis, and others use the word "population."

Mr. WALSH of Montana. If the Senator will pardon me further, I should like to call his attention to a provision of the Constitution of which mention has not been made in the discussion, and I should like to get his views about it.

The clause in the original Constitution reads:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers—

"According to their respective numbers"—that is, the numbers in the various States—

> which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons.

Now:

> The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years.

"The actual enumeration shall be made." What is the view of the Senator as to who would be included in the enumeration?

Mr. BARKLEY. Why, the persons to be included in the enumeration would be those to be taken into consideration for the purpose of apportioning Representatives to the various States in the House of Representatives; and, according to my interpretation of the word "persons," as used in the language above, that would not include all human beings who happened to be in the United States at that particular time or within the States.

Mr. WALSH of Montana. Of course, everybody agrees that people who are just passing through temporarily would not be "numbers" of that particular State. That is another question; but let me inquire of the Senator if the word "enumeration" there means only the enumeration of citizens? Has not every enumeration obtained under the provisions of this section included everybody in the United States—that is to say, everybody having something more than a temporary domicile?

Mr. BARKLEY. That may be true, although I am under the impression that the first two censuses did not include the class which I think are excluded by the interpretation I have given. I do not think those enumerations included every person found within the States.

Mr. WALSH of Montana. Did the first enumeration distinguish between aliens and citizens?

Mr. BARKLEY. I think all enumerations distinguish them. That is, they require the enumerators to set out in separate columns whether they are citizens, how long they have been here, or whether they are aliens.

Mr. WALSH of Montana. But the enumeration in no instance was confined to citizens.

Mr. BARKLEY. That may be true; but that, in my judgment, would not bind Congress with respect to the question of the basis of apportionment. It may be desirable to have an enumeration of all people in this country for other purposes than apportionment; and I will say to the Senator that every nation in Europe, if I am correctly informed, now has an alien registration law requiring that all foreigners—all noncitizens, by whatever name you wish to call them—shall be registered, so that those governments know precisely on any given day of the year how many people there are who are citizens of those countries, and how many there are in their midst who are not citizens of those countries.

Mr. WALSH of Montana. The proposal was made in our Congress a short while ago to keep a record of aliens in this country. It did not receive any very general approval however; but that is aside from this question.

Mr. BARKLEY. We have passed no law of that sort.

Mr. WALSH of Montana. I call attention to the fact that all civilized nations now take an enumeration, a census of their populations. The provision here is apparently the only one in the Constitution of the United States that gives the Congress the power to make that enumeration. Congress has gone on under that power and has, of course, enumerated everybody belonging to the United States that is in the United States permanently.

Mr. BARKLEY. Of course, if we are going to put a straitjacket around the Constitution and around our official conduct in our interpretation and following of it, there is still another provision of the fourteenth amendment which nobody has mentioned, and which is not even mentioned in the bill now pending before Congress. If we are to narrow our viewpoint and our construction of the word "persons" and the word "enumeration" in the Constitution as a basis for representation, then it might be desirable to refer to the fact that the fourteenth amendment has another provision that might cut down the representation of many States on a basis other than color, race, or previous condition of servitude.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. BARKLEY. Just a moment. Upon reading the language of the second section of the fourteenth amendment, we find this:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

That does not refer to the oft-repeated proscription of race, color, or previous condition of servitude. It might even apply to a State law that prohibits men who are citizens of the United States from voting within that State unless they have resided there for 12 months, or six years, or any other period that they might fix. It might apply to States that provide a property qualification for voting, if there be such a State. It might apply to States where they have laws denying the right of citizens of the United States to vote unless they have paid their poll tax for the current year in which they provide for a vote. It might apply to States that undertake to fix a literary educational qualification for suffrage. So if we are to go by the letter of the Constitution and the fourteenth amendment we might very well consider whether the bill we are now passing provides for carrying out what some are pleased to interpret as the mandatory provisions of the fourteenth amendment with respect to these limitations and these abridgments of the right of suffrage that are inflicted upon citizens of the United States by the legislatures of the various States.

The PRESIDING OFFICER. The Senator's time on the amendment has expired. He will be recognized for 30 minutes on the bill.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. I yield to the Senator from New York.

Mr. WAGNER. I take it that the Senator and I do not differ upon this proposition, because I regard it as axiomatic—that Congress can neither expand nor contract the meaning of a word or a provision of the Constitution.

Mr. BARKLEY. No; I do not think Congress has the legal power to contract or expand the meaning of a word or a provision of the Constitution, but that does not mean that Congress has not the power to interpret that word or that meaning. It may interpret it erroneously, and, if so, the Supreme Court of the United States is here to change that interpretation, or call our attention to the error. If it is a matter which can not be brought to the attention of the courts, then I think the interpretation placed upon it by Congress is accepted.

Mr. WAGNER. As I understand it, the Senator contends that the word "person" used in the enforcement section here is limited to citizens.

Mr. BARKLEY. Not necessarily to voting citizens. I think the intention of the framers of the Constitution was to limit it to those who are either born in the United States or naturalized, and not those who are here either as temporary sojourners or as visitors, and not to include those who have come here against our immigration laws, giving them no legal status whatever.

Mr. WAGNER. In other words, the Senator would limit the word to mean citizens of the United States?

Mr. BARKLEY. I think so, speaking broadly.

Mr. WAGNER. Why do we need any provision of law if that is so?

Mr. BARKLEY. In the absence of any interpretation by any court, the question not having been raised in the Congress heretofore, the practice has been engaged in from the foundation of the Government until now of counting them in making the apportionment. As I stated the other day in a colloquy with the Senator from Montana [Mr. WALSH], I do not think that binds any Congress to place upon that word a like interpretation.

Mr. WALSH of Montana. Mr. President, will the Senator permit a further interruption?

Mr. BARKLEY. I yield.

Mr. WALSH of Montana. The Senator referred to voters. I was born and raised in the State of Wisconsin, and under the provisions of the constitution of that State any person who had declared his intention to become a citizen of the United States and had resided in the State one year was entitled to vote. That was a very common provision in the constitutions of all of the Western States, which were then encouraging immigration. Although a State may permit persons who are born abroad, and who have declared their intention to become citizens, to vote and to participate otherwise in all of the activities and enjoy all the privileges of citizens, are we to understand that it is the contention of the Senator that the framers of the Constitution intended that they should not be included in computing representation?

Mr. BARKLEY. I would not go so far as to say that a man who had started the process of naturalization to such an extent that a State recognized him as a citizen, or a voter, would be excluded, but the Senator would not place the person, man or woman, as the case might be, in that sort of status in the same class with a man in Montana, or a woman in Montana, who had never declared any intention to become a citizen of the United States, who had no obligation except probably to obey its laws.

Mr. WALSH of Montana. Of course, these people were not citizens of the United States. Nobody can controvert that proposition, but, as I understand the contention now being made, it is that the word "persons" in this provision means citizens of the United States.

Mr. BARKLEY. I think that a man who has taken out his papers for naturalization, and is allowed to be a voter in a State, to all intents and purposes is a citizen of the United States.

Mr. WALSH of Montana. The Constitution is against that, because the Constitution provides he is not a citizen unless he is naturalized.

Mr. BARKLEY. For the purposes of counting voting population, or for the purposes of electing officers in the State, he has been granted the right of citizenship by the law of the State. But certainly there is no parallel between a man who is in the United States legally, who has obeyed the laws of our country in coming here, who has declared his intention to become a citizen of our country, to be identified with it, to subject himself to its laws, and one who has smuggled himself in illegally,

against the laws of the Nation, and has no legal status, either as an inhabitant or citizen, or any possibility of becoming such.

Mr. WALSH of Montana. No one can dispute that.

Mr. BARKLEY. According to the interpretation placed upon this word by the Senator, all those in the latter situation are to be counted, and are to be used as a basis for representation in the House of Representatives.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Florida?

Mr. BARKLEY. I yield.

Mr. FLETCHER. I gather that the Senator draws a distinction between one who is in the United States permanently domiciled here and one who has declared his intention to become a citizen of the United States.

Mr. BARKLEY. The legal status is different in some of the States, although I do not think in many.

Mr. FLETCHER. The Senator will recall "the Koszta affair," which occurred during President Pierce's administration, on December 6, 1853.

Koszta had declared his intention to become a citizen, had gone abroad, to Austria or Turkey; and, as I recall the case, some protests were made about his being returned. He was detained over there. An American admiral, however, in one of the foreign ports, finally secured his release from the authorities there and brought him back to the United States. That action was sustained by the President and by Congress.

I was wondering if there was very much distinction between the status of one who is here and has simply declared his intention of becoming a citizen and one who has not declared himself.

Mr. BARKLEY. I think where a State has passed a law permitting immigrants who have been here a certain length of time and have declared their intention through the regular channels of becoming naturalized, to become citizens of the United States, allows them to become voters in that State, those persons occupy a very different status from those who have not even begun the process of naturalization and who have even come here without the sanction of our country or without permission of the law.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CARAWAY. Let us take the suggestion of the Senator from New York that we can not add to or subtract from the Constitution by act of Congress, what are we going to do with the fourteenth amendment, to which the Senator referred a moment ago, which provided that all persons should be counted in apportioning representation among the States, except that there may be excluded all those who are not entitled to vote under the laws of a State? "All persons" there does not include both for the purpose of apportioning representation, does it?

Mr. BARKLEY. No; and many of the States, as I have already shown, specifically exclude from such consideration those who have not actually become citizens of the United States.

Mr. CARAWAY. Oh, yes; but I am talking about where the State imposes some handicap upon the voter.

Mr. BARKLEY. Yes; for instance, where the State requires him to register and he has not registered, then he is deprived of the right to vote, and he is not included in counting for representation under the fourteenth amendment.

Mr. CARAWAY. Take the State of Alabama, for instance, where a man must have paid a poll tax at least two years before he can vote.

Mr. BARKLEY. And in the State of Tennessee he must pay a poll tax for the current year in which he proposes to vote, and unless he does that, that State deprives him of the right to vote under the fourteenth amendment, for which its representation may be reduced, if the amendment means what it says.

Mr. WALSH of Montana. Oh, no!

Mr. CARAWAY. The Constitution says that. It can not be waved aside by just saying, "Oh, no."

The VICE PRESIDENT. One at a time.

Mr. CARAWAY. The Senator from Kentucky has yielded to me; the Senator from Montana interjected. The Constitution provides:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced.

Mr. BARKLEY. I called attention to that a while ago.

Mr. CARAWAY. I know the Senator did, and it shows the absolute fallacy of saying that everybody must be counted in order to apportion representation.

Mr. BARKLEY. Of course.

Mr. CARAWAY. And no one who did not have a particular end to serve could read that otherwise.

Mr. BARKLEY. Practically every State in the Union now requires registration by voters, and any citizen of the United States who does not comply with the State law by registering is deprived of the right to vote, and he may stand in front of the office of the judges of election until he falls dead, but he can not vote, and he can not be counted for representation, even though he has not engaged in rebellion, and has not been guilty of a crime.

The State of Kentucky, from which I come, provides that no man coming from another State into Kentucky shall be allowed to vote until he is there 12 months, although his family for five generations may have been citizens of the United States. That is a deprivation of citizens of the United States of the right to vote for another cause than engaging in rebellion or being guilty of crime. So that Congress may have the power to reduce the representation of that State, if we are to take this fourteenth amendment as it is written, because the State has deprived a citizen of the right to vote for some other cause than engaging in rebellion or committing a crime. Of course, I am not advocating that this be done, but if Senators are attempting to live up to the letter of the Constitution as they claim, this provision can not escape their attention.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WALSH of Montana. The plain answer to that is that the Supreme Court of the United States has determined that that is not a deprivation of the right to vote at all. It is simply a reasonable provision to insure against fraud in the election.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Missouri.

Mr. HAWES. I liked the Senator's expression a while ago of "visitors" to a country better than the word "aliens." I liked his thought of temporary residents rather than the designation "aliens." But when the Constitution was written there were some 3,000,000 people in the United States. To-day we have between eight and nine million visitors or residents in the United States.

Mr. BARKLEY. Three times as many as the population at the time of the adoption of the Constitution.

Mr. HAWES. Three times as many as the population when the Constitution was adopted, and if the custom is followed, for every 10,000,000—and we have 8,000,000 now—Congress could have added to its membership 50 Members in the House; for every million visitors in the United States, 5 Representatives; for every 2,000,000, 10 Representatives; for every 3,000,000, 15 Representatives; for every 4,000,000, 20 Representatives. So that for 8,000,000 temporary visitors in the United States we might add 40 Representatives; for 10,000,000, 50 Representatives. Suppose these outsiders should retire, should go back to the homes from which they came, and their visit were over; the representation in Congress might be reduced.

The question I wanted to ask the Senator from Kentucky was this: Where there is a contest in the Electoral College, and the contest is sent to Congress to be decided upon a vote of the House, it might be decided by 5, 10, 15, 20, or 40 Representatives who represent temporary visitors in the United States.

That is not reasonable. I assume that all these men and women who come here are still residents of the European countries or the Asiatic countries from which they come; that they are citizens there. Yet their presence in the United States may cause a change of 50 Representatives in the House of Representatives; and if a presidential election is thrown into the House, that election might be determined one way or the other because we have temporarily some visitors in our Nation from abroad. Is that a correct statement?

Mr. BARKLEY. That is a correct statement. Not only that, but whether the election be thrown into the House of Representatives or not, the number of electors, represented by the same number of Members of the House representing any State, because of this population of temporary visitors or residents would have the same effect in giving them a power to elect a President through the Electoral College as though it were thrown into the House of Representatives.

Mr. HAWES. Five million visitors might go to New York and give them 25 Congressmen. Those 25 Congressmen could

determine in the House in the case of an election who should be President of the United States, and there is nothing to restrain those 5,000,000 visitors to New York from returning to Europe.

Mr. BARKLEY. That is a correct statement of the possibility. An election for President does not have to proceed in the House of Representatives in order for that situation to exist. For instance—and I might as well mention it now as any other time—the Secretary of Labor recently made the statement that in his judgment a thousand unlawful immigrants were coming into the United States every day, being smuggled in along the Canadian and Mexican borders and at ports of entry. A thousand a day amounts to 365,000 a year in addition to those who are coming in legally.

Mr. HAWES. That would be enough to represent a Congressman and a half a year.

Mr. BARKLEY. I do not know whether the Secretary of Labor was correct in his estimate or not. I am inclined to think probably he was a little high. But a few months ago the New York Evening Post made a very careful survey of the number of people coming in here unlawfully every year, being smuggled in or, as the Senator from Idaho [Mr. BORAH] suggested, being "bootlegged" in, showing that it amounts to 200,000 each year. In the five years since 1924, when the last immigration law was enacted including the national-origins provision which is now to be considered in a few days, I understand, 200,000 a year each year, which is a conservative estimate, would mean that there are to-day 1,000,000 in the United States who came here unlawfully, who came without passports and without the consent of our people, who have no legal status, who can not become citizens, who may be enumerated after the 1st of next November by the enumerators, and who are subject to deportation the very first day after they are enumerated, and yet those million people are to be used as a basis for the selection and the apportionment of Members of the House of Representatives throughout the United States.

If a million illegal immigrants have come in during the last five years, we may estimate that since the census of 1920 there have come in at least three or four million men and women who enjoy no legal status, who are subject to deportation if the Government could find them, and who under our naturalization laws are not entitled to become citizens of the United States; and yet under the terms of the bill as it is proposed here they are to be counted and considered as a basis for the selection of the Members of the House of Representatives and for the election of a President of the United States. Tell me the fathers of our country, the framers of our Constitution, intended any such ridiculous situation to be brought about? I do not believe it, and I do not accept that interpretation of the meaning of the framers of the Constitution or those who framed the fourteenth amendment to which reference has been made in the debate.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Florida?

Mr. BARKLEY. I yield.

Mr. FLETCHER. In that connection and somewhat pertinent to the observation made by the Senator from Arkansas [Mr. CARAWAY] I do not think there is any basis whatever for any claim or contention that there are quotas of people in certain portions of the country who are deprived of the right to vote and thereby for that reason they ought not to be considered in the census.

For instance, under the law of Florida, as in the Senator's State, we require that a person must be a resident of the State for one year and of the county for six months before he can be registered. Then we have the Australian ballot system, which provides that the voter must go into a booth alone and must secretly mark his own ballot and fold it and hand it back to the inspector. We provide further that each voter must be registered and that he must pay a poll tax of $1 a year, which goes into the school fund of the State. Those are the prerequisites to his qualification as a voter.

The fact is that a great many of those people refuse to pay the poll tax, the fact that they refuse to register or, after they have registered, they refuse to go to the polls and vote because there is nobody there to buy them, because it is not known whether they will stay bought or not, and whether they will be able to vote the ticket right when they get into the voting booth. Consequently there is no demand for their vote, no price for it, and they do not vote. But that is no reason why they should be excluded when it comes to enumeration for the purpose of determining congressional representation. I think all of those provisions mentioned in the law have been sustained by the Supreme Court as not depriving anyone of the right to be counted.

Mr. BARKLEY. The Senator from Florida does not think that 3,000,000 people in the United States now who came here unlawfully, who smuggled themselves in in violation of the laws of the United States, should be taken into consideration in the fixing of a basis of representation, does he?

Mr. FLETCHER. No; I am not saying that. I am simply meeting the suggestion that may be made that the fourteenth amendment might apply to conditions such as I have mentioned.

Mr. BARKLEY. I do not know the proportion of population in Florida that deliberately evades the requirements of that State to participate in the right of suffrage.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. I yield.

Mr. WAGNER. The Senator made the suggestion a moment ago that in the adoption of the fourteenth amendment, undoubtedly those who framed the amendment did not have in mind the exclusion of aliens. For that reason I would like to read——

Mr. BARKLEY. That matter has been read into the RECORD, if the Senator will pardon me. I think the Senator perhaps did not hear it.

Mr. WAGNER. I was not present when it was done.

Mr. BARKLEY. The Senator from Michigan [Mr. VANDENBERG] put that in the RECORD a day or two ago and it has been referred to here, so it is not necessary to read it over again.

Mr. WAGNER. Has it made any impression on the Senator?

Mr. BARKLEY. Yes; I even discussed it Saturday last.

The fourteenth amendment, in so far as the word "persons" is concerned, regardless of the debates that were participated in by Members of Congress at that time, simply left the amendment as it was originally, so that we are not bound any more by the debates which occurred in the submission of the fourteenth amendment, in so far as it left the original Constitution unchanged, than some Senators seem to be bound by the language of a former President of the United States, Mr. Garfield, who, in 1871, when there was an apportionment bill under consideration by Congress, was a member of a committee to ascertain what States denied citizens of the United States the right to vote on any other ground than crime and rebellion.

On the 6th day of September, 1871, in the debate in the House of Representatives, Mr. Garfield, after pointing out the fact that the commission had not reported or that at least it had not been able to ascertain the number of citizens who had been denied the right to vote because of the provision of the fourteenth amendment which had been ratified only two or three years previously, went on to say that in various States men had been denied the right to vote, first, on account of race and color, in 16 States; on account of residence on lands of the United States, 2 States; on account of residence less than required in all cases, 2 States; on account of residence in the State less than the required time, six different specifications, 36 States; on account of residence in county, city, town, district, and so forth, 18 different specifications, 37 States; wanting property qualifications or nonpayment of taxes, eight specifications, 8 States; wanting literary qualifications, 2 States; on account of character or behavior, 2 States; on account of service in the Army and Navy, 2 States.

There are some of the States, I think at least a half dozen, that now in their constitutions exclude members of the Army and Navy, soldiers and sailors of the United States, in considering the question of the basis of reapportionment for members of the legislature.

Requiring certain oaths as preliminary to voting, five States; other causes of exclusion, two specifications, two States.

In other words, Mr. Garfield, in the debate on an apportionment bill in 1871, after the census had been taken, after the enumeration had been made, pointed out that there were 11 particulars in which the States denied to citizens of the United States the right to vote and used that as a reason why Congress at that time was not in a position to make a fair and just apportionment of Representatives among the States until they could ascertain the number of voters denied the right of suffrage for those 11 reasons or any of them, all of which are outside the category of crime or rebellion against the United States.

Mr. President, I agree thoroughly with the suggestion of the Senator from Wisconsin [Mr. BLAINE] and all other Senators who pay a deserved tribute to those who have come here from other countries and have enriched our soil with their blood. They contributed to the progressive institutions which are ours to-day, which they have enthused with a spirit of independence, even a spirit of rebellion against the static conditions from which they sought to escape, and I yield to no man in my de-

votion and admiration for the great part they have played in the development of our country both in peace and in the defense of it in time of war. We have opened the gates to the four corners of the earth and welcomed men and women from all lands. We have enacted naturalization laws by which they may become citizens charged with the obligations and duties of citizenship, not only in time of peace, but in time of war likewise.

But I can not subscribe to the idea that our forefathers in framing the Constitution intended or that the Constitution by a fair interpretation of its terms is designed, to encourage those who desire to take no part in our civic and political affairs—those who are not charged with the obligation of citizenship. I am not in sympathy with that interpretation of the Constitution and I do not believe it was the desire or the intention of the framers of that great immortal document that great groups and classes who refuse to amalgamate with the population of America should be permitted to be considered or were intended to be considered in determining representation in the House of Representatives, and in all probability in more than one election turn the tide in favor of one and against another man who aspired to be the Chief Executive of this great Nation.

By reason of my convictions upon the subject I shall support the amendment offered by my colleague the senior Senator from Kentucky [Mr. SACKETT].

Mr. CAPPER. Mr. President, because of the deep interest I have had for several years in the subject of the exclusion of aliens from congressional apportionment, I ask the indulgence of the Senate for a few minutes only that I may state briefly the reasons for my support of the amendment offered by the Senator from Kentucky [Mr. SACKETT].

I introduced more than a year ago an alien-exclusion amendment to the Constitution and reintroduced the same amendment a few weeks ago. It is now before the Committee on the Judiciary. I have an amendment to the pending bill similar to the amendment offered by the Senator from Kentucky. But it is not from the standpoint of the question of the constitutionality raised here that I rise to discuss the bill, but it is my purpose to discuss the merits of the fundamental principles involved in the question of the exclusion of aliens.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. CAPPER. I yield.

Mr. VANDENBERG. I do not want to interrupt the Senator; I merely wish to ask in passing why he thought it necessary to introduce a constitutional amendment upon the subject?

Mr. CAPPER. The arguments which have been presented in both the Senate and House by distinguished lawyers are sufficiently convincing to me to warrant me in supporting the amendment of the Senator from Kentucky, but a constitutional amendment would settle the question for all time.

Mr. President, I arise at this time to call the attention of the Senate to what I believe to be one of the most important questions in connection with this measure, and also in connection with the entire question of congressional apportionment. I do not care to go into a discussion of the present measure as a whole, nor to discuss whether or not this type of legislation should originate in the National House of Representatives. But I do want to emphasize the importance of giving careful consideration to any and all apportionment measures.

Mr. President, I call attention to the fact that congressional apportionment not only fixes the apportionment of Representatives in the House among the several States; it also fixes the number of electoral votes each State shall be entitled to cast for President and Vice President, and, under the system of block voting of electors, this apportionment has a vital effect on the executive as well as on the legislative branch of our Government.

Through this apportionment, Congress—or the executive branch of the Government under this measure if Congress fails to act immediately after the census reports are compiled—allots not only congressional representation among the States but also Electoral College representation.

Mr. President, in my judgment, and I believe in the judgment of the majority of American citizens who have considered the matter, the present system of apportionment works a grave injustice upon a number of States, and therefore upon the Nation as a whole.

I refer to the fact that the alien populations residing in several States give those States more representation in Congress than they should have in justice to the American citizens living in these United States, and also gives these States a disproportionate vote in the election of a President. It is conceivable that in a presidential election the aliens living in one large city in this country—themselves not able to cast a vote—might decide who will become President of the United States.

A situation that makes that possible, Mr. President, is deserving of the serious consideration of the Senate, of the House of Representatives, and of the entire country.

I desire to direct the attention of the Senate to the language of the first sentence of section 2 of the fourteenth amendment to the Constitution of the United States. It reads as follows:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Mr. President, at the recent session of the Seventieth Congress I introduced a Senate resolution proposing that, in the manner provided, the Congress submit to the several States that the words "and aliens" be added to that sentence, so it would read:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed and aliens.

I have introduced the same resolution (S. J. Res. 41) in the present session, and it is now before the Committee on the Judiciary. I understand, however, that it has slight chance of consideration at this time, this session being devoted entirely to farm relief. And just here I should like to say, Mr. President, that my proposed amendment applies only to aliens—that is, to foreigners living in the United States and enjoying the protection and blessings of our Nation, who have not taken the trouble to acquire citizenship through the process of naturalization. It has no reference to and affects in no way persons of foreign birth who have become naturalized, millions of whom are numbered among our finest and most useful citizens.

Others have introduced similar proposed amendments to the Constitution, both in this and preceding sessions. It is not a new idea. I am not particular which one is acted upon. I will cheerfully work and vote for any amendment that accomplishes the purpose, though personally I feel that the simple one suggested is the best.

Right here I might say, Mr. President, I feel perfectly confident that if such an amendment ever is submitted to the States it will be adopted by the necessary three-fourths of the States just about as fast as the several State legislatures meet after the proposed amendment is submitted to them.

The amendment is so logical, so just, so in accord with sound policy in safeguarding the future welfare of our country that no real arguments can be adduced against it.

Mr. President, before proceeding further with these remarks I would like to interject some rather interesting observations that followed the original introduction of this resolution proposing to amend the Constitution of the United States by excluding aliens—meaning thereby unnaturalized foreign-born persons—in apportioning Representatives and presidential electors among the several States.

I received a number of editorial clippings—largely, I must admit, from New York newspapers—protesting against the proposed amendment as "unjust, and objectionable because it is unjust," as one New York editor puts it.

Another New York editor declares:

> Those who have not yet become citizens are still subject to the laws of the land, must pay taxes, and are entitled to representation.

Mr. President, a number of New York editors took the same attitude. It just happens that if this amendment I have proposed were a part of the Constitution, and a reapportionment were made, that New York would lose four National Representatives and four presidential electors.

But, Mr. President, I would call attention to the constitution of the State of New York, which contains, I am informed, the following provisions:

> The members of the assembly shall be chosen by single districts and shall be apportioned by the legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens.

In other words, Mr. President, the constitution of the State of New York does exactly the same thing regarding the apportioning of State representatives that I am proposing the Constitution of the United States should do regarding the apportionment of National Representatives. I might say in passing that North Carolina, California, Tennessee, and possibly Massachusetts have similar provisions in regard to apportioning State representatives.

The point I wish to make is that in most of the States which have a large alien population, these States do not allow those aliens to be counted in apportioning the representatives in their State legislatures.

In the face of this fact I do not doubt that the Senators and Representatives from these same States in the Congress of the United States will join in supporting this proposal for amending the National Constitution.

Mr. President, before proceeding with my brief statement of the merits of the proposed amendment, allow me to place in the RECORD the following statements, showing how the adoption of this amendment would affect representation of the States in the National House of Representatives.

Mr. President, if a reapportionment—using the method of major fractions—were made based on the 1920 census under the provisions of the proposed constitutional amendment, instead of under the present provision of the Constitution, using the basis of 435 Members of the National House of Representatives, 32 States of the Union would not be affected, the Director of the Census informs us. But 16 States would be affected under the 1920 census—we have not attempted to make an estimate under the 1930 census—and these States would be affected as follows, in comparison with their present representation:

California, instead of gaining three, would gain two.

Connecticut, instead of gaining one, would remain the same.

Massachusetts, instead of remaining the same, would lose two.

New Jersey, instead of gaining one, would remain the same.

Pennsylvania, instead of remaining the same, would lose one.

New York, instead of remaining the same, would lose four.

The foregoing are the six States that would lose one or more congressional Representatives each, on the 1920 census basis, if the amendment were in effect.

The following are the States that would be otherwise affected by the amendment if apportioned under the 1920 census:

Arkansas, instead of retaining the present number of Congressmen, would gain one.

Georgia, instead of remaining the same, would gain one.

Indiana, instead of losing one, would remain the same.

Kansas, instead of losing one, would remain the same.

Kentucky, instead of losing one, would remain the same.

Louisiana, instead of losing one, would remain the same.

Mississippi, instead of losing one, would remain the same.

Missouri, instead of losing one, would remain the same.

Nebraska, instead of losing one, would remain the same.

Oklahoma, instead of remaining the same, would gain one.

Mr. President, I ask unanimous consent to insert in the RECORD a table prepared by the Director of the Census for Representative HOCH, of Kansas, who has introduced a similar resolution in the House.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

Table showing a reapportionment of 435 Representatives in Congress on the basis of the total population as compared with a reapportionment based on the population exclusive of the foreign born who have not become naturalized. It is based on the census of 1920 and the method of major fractions was used

State	Present membership	Reapportionment on basis of— Total population	Reapportionment on basis of— Total population excluding aliens (unnaturalized foreign born)
Total	435	435	435
Alabama	10	10	10
Arizona	1	1	1
Arkansas	7	7	8
California	11	14	13
Colorado	4	4	4
Connecticut	5	6	5
Delaware	1	1	1
Florida	4	4	4
Georgia	12	12	13
Idaho	2	2	2
Illinois	27	27	27
Indiana	13	12	13
Iowa	11	10	10
Kansas	8	7	8
Kentucky	11	10	11
Louisiana	8	7	8
Maine	4	3	3
Maryland	6	6	6
Massachusetts	16	16	14
Michigan	13	15	15
Minnesota	10	10	10
Mississippi	8	7	8
Missouri	16	14	15
Montana	2	2	2
Nebraska	6	5	6
Nevada	1	1	1
New Hampshire	2	2	2
New Jersey	12	13	12
New Mexico	1	1	1
New York	43	43	39
North Carolina	10	11	11
North Dakota	3	3	3
Ohio	22	24	24
Oklahoma	8	8	9
Oregon	3	3	3
Pennsylvania	36	36	35
Rhode Island	3	2	2
South Carolina	7	7	7
South Dakota	3	3	3
Tennessee	10	10	10
Texas	18	19	19
Utah	2	2	2
Vermont	2	1	1
Virginia	10	10	10
Washington	5	6	6
West Virginia	6	6	6
Wisconsin	11	11	11
Wyoming	1	1	1

Mr. CAPPER. Mr. President, it is not my intention at this time to enter into an extended discussion of the merits of the proposed constitutional amendment, which is not now before the Senate.

But before yielding the floor I wish to call attention to another fact in this connection.

From the foregoing tables it is shown that under the present constitutional provision if a reapportionment had been made based on the 1920 census Kansas would have seven Congressmen instead of eight. With aliens eliminated in the count, Kansas would have eight Congressmen.

In the Electoral College, if my amendment were in the Constitution and the apportionment were based on the 1920 census, Kansas would have 10 votes in the Electoral College.

On the other hand, when aliens are counted in making the apportionment, Kansas, on the 1920 census apportionment, would have nine votes in the Electoral College.

Now, a glance at the preceding tables also will show that New York, Massachusetts, Connecticut, New Jersey, and Pennsylvania are given, if apportionment is made with aliens included, under the 1920 census, nine extra Congressmen and nine electoral votes, based entirely on aliens within their borders.

Mr. VANDENBERG. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. CAPPER. I yield.

Mr. VANDENBERG. The Senator constantly is referring to his proposed amendment to the Constitution. Is that what he is discussing or is he proposing a statutory short cut to bring about the same net result?

Mr. CAPPER. I think we would get at it quicker by the adoption of the amendment to this bill which has been proposed by the Senator from Kentucky; but if we shall not succeed in securing the adoption of his amendment, then I want it understood that I am in favor of the proposed amendment to the Constitution, and I am discussing also that point, as I said at the beginning I would.

Mr. VANDENBERG. In other words, the Senator is in favor of his proposed constitutional amendment provided this short cut can not be accomplished?

Mr. CAPPER. I am.

Mr. VANDENBERG. The Senator has referred to Representative HOCH, of Kansas, who is the coauthor with him of the proposed constitutional amendment. I presume the Senator is familiar with the fact that Representative HOCH flatly refused to vote for this statutory short cut, stating that he would feel that he was guilty of insincerity if he undertook to do so?

Mr. CAPPER. I have discussed the subject at some length with the Representative from Kansas, and I am of the opinion that if he were here on the floor when the vote is taken he would support the amendment of the Senator from Kentucky.

Mr. VANDENBERG. Then he has changed his mind within the last week, because I have a letter from him to the contrary.

Mr. CAPPER. In other words, Mr. President, these aliens in those five States—they can not vote; they are not counted in those States in apportioning members of the State legislatures—these aliens, Mr. President, under the present Constitution as it has been interpreted by succeeding Congresses and as proposed in the reapportionment enabling act we have before us, unless that is amended, I repeat, Mr. President, these aliens in five States give to those five States extra electoral votes equal to the entire electoral voting strength of all the American citizens of the State of Kansas. The aliens in those five States, without themselves being able to cast a vote, are given an equal voice with my home State of Kansas in electing a President and Vice President.

And in the National House of Representatives the alien populations in three States give those three States an extra voting strength equal to the entire voting strength of all the American citizens in the State of Kansas.

Mr. President, that condition of affairs is unfair, unjust, contrary to the spirit of the Constitution, though in agreement to the form of the Constitution as it has been interpreted by succeeding Congresses. I say that condition should be remedied. I had hoped that the Congress would submit an amendment to the Constitution which would correct the situation before another congressional reapportionment is made. I am still hopeful, perhaps I should say optimistically hopeful, that this may be done.

But to date it has not been done. Instead, I am faced with the proposition of voting for a reapportionment bill that will reduce the representation of my State in the National House of Representatives by one, and give that Representative to another State on the strength of aliens in that State, and aliens which that State does not allow to vote, nor to be counted in apportioning representation in the State legislature.

Mr. President, I am not going to oppose the passage of the combined census and reapportionment bill. But I do feel that it should be amended so as to do away with this rank injustice toward the American citizenship of my home State, and of all the other States.

Therefore I shall offer and vote for an amendment to the pending bill that aliens—meaning unnaturalized foreign born—shall not be counted in apportioning Representatives in the National House of Representatives. I hope and trust that the Senate will adopt such amendment, and that it will become law.

Mr. WALSH of Massachusetts. Mr. President, I shall not take the time of the Senate to discuss the constitutional aspects of the proposed amendment. The preponderance of opinion among those who have investigated and discussed the question involved is that this amendment is unconstitutional. Since many Senators, like the Senator from Pennsylvania [Mr. REED], who have expressed sympathy for the object of the amendment and who have stated that they would vote for an amendment to the Constitution proposing such a change, have expressed the conviction that there is a clear constitutional distinction between the words "person" and "citizen," it would appear to be futile to pursue that line of argument at this stage of the debate. I shall therefore discuss some of the moral and ethical features of this question.

The supporters of this amendment fall into three classes: First, those who, through what they believe or pretend to believe to be patriotic motives, urge that for the purpose of fixing representation in the House of Representatives and in the Electoral College aliens should be excluded in the enumeration, and that representation should be based solely upon citizenship. Secondly, those who are prejudiced against the foreigner; and, thirdly, those who want to kill the reapportionment bill by an amendment that will take from it the support of some of the larger States.

To the first group I have merely this to say: No sound reason can be advanced for the exclusion of resident aliens that can not be effectively argued in favor of excluding that large class of citizens who possess the rights of American citizens, but through crass ignorance, negligence, inexcusable indifference, and illiteracy, decline to assume the responsibility of citizenship.

The argument advanced in favor of excluding aliens has been based upon the assertion that aliens, even though they are taxpayers, have no status in the Government.

I quote one of these arguments presented by the author of the amendment [Mr. SACKETT]:

> Why should we have them [aliens] counted in order to know who is going to be sent to Congress, and how many are to be sent? Why should we change the power of the Congress from the rural communities, which need it most, to those parts of the country which are populated by a foreign alien horde? Why do we not save this country for American citizens? We do not exclude a single one of these people who have come to our shores. Every one of them has the right to become a citizen of the United States. Propaganda is being carried on throughout this land in an effort to induce those people to become citizens, and if this interpretation is put upon the reapportionment bill and it becomes necessary for them to become American citizens in order for those people to be counted in fixing the representation there will be a force and a power put behind the people bringing about Americanization, a political power which is not there to-day.

Let me use the same language and apply the sentiment expressed conversely:

> Why should we change the power of the Congress from the large urban communities which need it most to those parts of the country which are populated by large numbers of native Americans who refuse and decline to exercise the duties of American citizenship? We do not exclude a single native American from the right of franchise. A foreigner must take three steps to exercise the right of franchise—become naturalized, which involves a financial sacrifice, register, and vote. A native American without any financial sacrifice need merely register and vote. Every one of these native Americans has the right to become an enfranchised citizen of the United States. Propaganda is being carried on throughout this land to induce these citizens to exercise the franchise, and if this interpretation (of excluding them) is put in the reapportionment bill, there will be a force and a power put behind these people to bring about the enfranchisement of all citizens.

Mr. President, if this proposal succeeds there will be inaugurated in this country a movement based upon the theory that it will force all citizens to vote, to eliminate from the population that is the basis of apportionment in the House those citizens and their children who never exercise the right of franchise.

Mr. President, is that desirable?

I have been one of those who, though regretting the tremendous number of citizens, estimated by the New York World last summer at 30,000,000 who are eligible to use the franchise and who decline it, oppose forcing citizenship, the vote, or naturalization upon anybody.

I think a much healthier political situation will exist when elections are determined by the conscientious exercise of the voting privilege by those who voluntarily, through a sense of duty and knowledge of political issues, make decisions at the ballot box, than to have the balance of power in elections in the hands of those, whether aliens or native born, who are not voluntarily prompted by their own sense of duty to exercise the duties of voting, but who, when enfranchised, are often lashed and driven like dumb cattle into voting party labels without any voluntary, honest, sincere desire or intelligent conception of what theory or policy their vote may register.

Indeed, the suggestion that nonenfranchised citizens should not be counted for the purpose of apportionment has already been made, and considerable agitation to that end has been made by a distinguished Member of the House of Representatives from my own State. I have not been in sympathy with this agitation. I think the negro, as well as the alien and the nonenfranchised citizen, all alike, need to be included, as the founders did, in any plan of government in order that unremitting attention and profound consideration be given all those problems which concern their welfare and their relations with the American Government.

Mr. ALLEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. WALSH of Massachusetts. I yield to the Senator from Kansas.

Mr. ALLEN. I ask the Senator what type of argument was used in his State when it was decided to exclude aliens from representation in the State legislature?

Mr. WALSH of Massachusetts. There is no provision in the present law of Massachusetts that excludes aliens alone from being counted for the purpose of representation in our legislature. I assume the Senator refers to the Massachusetts requirement for apportionment upon basis of voters. That excludes citizens who are minors and nonvoters, as well as aliens.

Mr. BINGHAM. Does the Senator know of any State that has?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. WALSH of Massachusetts. I know of none. We never had such a law in Massachusetts, or elsewhere, that excludes aliens alone, so far as I am informed.

Mr. President, I inquire who will this amendment exclude? Aliens, many of them mere children under age and unable to become citizens no matter how much they yearn for citizenship, many of them illiterate through no fault of their own, just as there are many illiterate citizens, and many others taking every reasonable step necessary to comply with the terms and conditions of our naturalization law.

I would treat all citizens and noncitizens as part of the great body politic of the Nation so long as they pay taxes, help develop its resources, and are willing to obey the laws, support the obligations, and make whatever sacrifices, including life itself, our Government may exact in time of emergency. I would treat them at least as a parent treats, if you choose, an irresponsible, ungrateful, unappreciative child that disregards the opportunities, advantages, and encouragement that devoted parents extend. Parents do not exclude such children or wards from enumeration as part of the family or household. Neither should a free, humane Government such as ours, which has been the defender of the oppressed of every land and a beacon light of opportunity for every human being who abides within its confines.

What but the concept that our country is the common parent of all led the founders and our predecessors never to raise such an issue? This is why Germany, France, England, Italy, and other governments of Europe have not eliminated the alien from inclusion in the population for apportionment of representation in their parliaments.

I am not prepared to take the position with the alien that "though you are part of us, you are not of us; unless you come inside, you will be an outsider; unless you go through the form, even though you do it heartlessly and without any intention to become a bona fide citizen, you will not be of the household."

Merely because some aliens were born in foreign lands where they and their children ate the bread of poverty and toiled for masters whose faces they never saw; because they lived under an industrial system that treated them as mere tools and machines of industry, sapping their lifeblood, strength, and vitality for the enrichment of their masters; because they are illiterate, due to no fault of their own but to a system of government which suppressed education, realizing that knowledge would expose their unjust system and lead to a demand from the enlightened for a fair share of the resources of the world; because they lived under the flags of governments that were, in reality, for them and their children, the black flag of materialism and tyranny, I am not prepared to deny them the representation that nonvoting citizens, the insane, criminals, and other defectives enjoy who, forsooth, happened to be born in America one or more days after their immigrant mothers arrived here.

Neither do I think that naturalization certificates make Americans. If you were really interested in preserving the spirit of Americanism, the existence of large numbers of negligent and indifferent aliens who refuse to accept citizenship should prompt you to propose some measure to drive them out of America. Try it and see the pressure that the captains of industry will exert on you! Instead of getting rid of this "horde" you pretend to want to force them to elect your officials and help make your laws.

To my mind it is shortsightedness which measures the desirability or undesirability of a group of aliens for citizenship only by the rapidity or tardiness by which they forget their past political connections and environment, and allow themselves to be rapidly molded into a type which is vaguely termed "citizenship." If I had my way, a foreigner would not necessarily be allowed to be naturalized in five years. The test would be, not how quickly he could get into the courts to get naturalized, but whether he possesses the American spirit.

Yes; keep America American, but let your efforts be not merely to send Americans blindly and ignorantly to the ballot box. Let us first teach the alien American ideals; let us instill in him a hatred of tyranny and oppression and a love of freedom; let us encourage him to suffer, sacrifice, and die, if necessary, for the preservation of our free institutions, which have given and are giving to him and his children the largest and widest opportunity that any political institution in the world has ever secured for mankind, rather than leave him uncounted, to be the victim of merciless greed and avarice, or demand that he must become naturalized without hesitancy or delay, regardless of his voluntary inclinations and conception of fitness.

Mr. President, as to the second source of opposition, I sincerely trust little of the support for this amendment is based upon prejudice against the alien as a class. To persons so minded it is useless to argue. To those who think of their fellow men in terms of race, creed, or conditions of servitude, little can be said to change their views. Time alone can eradicate the tendrils of racial bigotry. I for one purpose to think of the men and women of America neither in terms of natives or aliens, nor by caste or class, but as human beings with hearts and souls created by the same God that created you and me, all part of that great, unfathomed mystery which the late General Foch described as being "like instruments of the divine Providence."

It is stated that Foch, in talking to his brother in the midst of the war, took a chair and placed it beside the others in the room, and then said, "You see that chair? It has no comprehension of what I am doing to it. We are like it. We do not understand what the good God is doing with us. We are the instruments of His providence."

Are not our aliens the instruments of Providence—blind Providence, if you prefer? Are not our aliens potential citizens, just as we have always considered the negro and his children, just as we consider our illiterate citizens?

This is not a new movement in the history of our country; this haughty spirit, asserting itself again and again by groups seeking to exploit themselves and obtain power, place, and pelf through appeal to prejudice. Happily, this attempted caste control based on antagonism to the alien and hatred of him on account of the accident of his birth has never made any great progress. When an unholy and inhuman prejudice can prevail in a democracy it possesses the sting of death. Let us beware!

What are your complaints against the immigrant? Why do you now seek to upset the policy of 140 years? Is it because he has not been industrious? No. No group knows the reality of the biblical injunction "In the sweat of thy face shalt thou eat bread" better than they. Is it because he has not been law-abiding? No. I turn to some statistics, and I ask Senators on this side of the Chamber from Southern States to pardon me, for I use these statistics only for the purpose of showing how rash, unkind, and unjust it is to indict a State or group of people by statistics that may tend to show more crime in one section than another.

Roger W. Babson, an arch calculator in the field of statistics, presents the following figures on homicides in his report for April 8. They were collected by Dr. Frederick L. Hoffman, of the Babson Institute:

	Murders	Rate per 100,000
6 largest cities:		
Detroit	228	16.5
Chicago	498	15.8
Cleveland	134	13.3
Philadelphia	182	8.8
New York	401	6.7
Los Angeles	70	4.7
10 leading southern cities:		
Memphis	115	60.5
Birmingham	122	54.9
Jacksonville	74	52.6
Atlanta	115	45.1
Little Rock	30	37.9
Macon	22	35.9
Savannah	31	31.0
Nashville	39	27.9
Houston	72	26.2
New Orleans	111	25.9

In studying this table it is well to bear in mind that the Southern States, as everybody knows, are those that have been least altered by immigration. The good old Anglo-Saxon American stock is at its purest in the South. Yet the South has a worse record for the crime of murder than the North, East, or West. Chicago is rather generally advertised as the worst criminal city in the world. But it seems that in Memphis there are almost four times as many murders as in Chicago; and in Birmingham, Jacksonville, and Atlanta three times as many.

Mr. President, is the alien a "slacker"? Did he abandon America in its dark hour of 12 years ago? Let us note the comparison between the service of the native-born and the alien. I quote now from figures presented to me some time ago, in connection with another matter, from the provost marshal general's second report of 1919:

Aliens registered	1,703,000
Exempted as enemy aliens	334,949
Aliens exempted or received deferred classification	580,003
Per cent other than enemy aliens exempted or deferred	33

American citizens registered up to September 11, 1918

Americans registered	8,976,808
Americans exempted or received deferred classification	5,684,533
Per cent of Americans exempted or deferred	64

In the above tables nearly half of the alien exemptions were on account of their status as nationals of an enemy country prevented from war service—their exemption was not a matter of choice. Excluding these, only 33 per cent of the alien registrants received deferred classification or exemption against 64 per cent of American citizens who registered.

Mr. BLACK. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. WALSH of Massachusetts. I gladly yield.

Mr. BLACK. The Senator does not think, does he, that those gentlemen who happened to be on the deferred classification were slackers?

Mr. WALSH of Massachusetts. I personally disown the use of the word "slacker"; but, let me tell you, sir, I am using the word that an officer of the American Legion used when he appeared before the Immigration Committee and presented these very figures, and only presented the figures of alien "slackers," and failed to present the figures of Americans. That is why I used the word "slackers" in the sense of quotation marks.

Mr. BLACK. Mr. President, will the Senator yield again?

Mr. WALSH of Massachusetts. Yes.

Mr. BLACK. Personally, I do not think there is any excuse for calling those who were in the deferred classification "slackers"; but has the Senator any figures there which show the percentage of those who first volunteered among the Americans and among the foreign-born?

Mr. WALSH of Massachusetts. I have not, sir.

Mr. COPELAND. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. Yes; I am glad to yield to my friend from New York.

Mr. COPELAND. I think the Senator was bringing out the fact that the percentage of so-called Americans in the "slacker" group—using that word in quotation marks—was about twice as high as the percentage of "slackers" in the alien group. Am I right about that?

Mr. WALSH of Massachusetts. That is what the provost marshal reports.

Mr. COPELAND. I think it would be well if the Senator would make that clear, so that when we read his remarks we might have it before us.

Mr. WALSH of Massachusetts. I have inquired if the foreigner had shown himself disloyal in time of emergency. I have inquired what his criminal relationship has been to the community. I now ask you about his thrift; and I ask your banks to produce their accounts of his exceptional record of savings, and I point to the millions of acres of soil tilled by his strength, and the homes of happiness and sanctity they have established.

Mr. President, complaint is made that the aliens have not been sympathetic; that they have not learned our language; that they have not improved their social conditions; that they have not sought citizenship. Frankly, who are responsible? Who are blamable—they or we?

It is true that the partial assimilation of some of the newer elements among our aliens has been slow. Is it not due largely to the fact that our immigrants have clustered largely about a limited number of industries in industrial centers, forming themselves into colonies not easily penetrated by American influence? Senators from all the industrial States can bear witness to this condition; but is this the immigrant's fault? Has not the immigrant been obliged to go where we put him or, rather, where the captains of industry put him?

Most of the recent arrivals came here to labor. No one will say that they have not been industrious, and is not industry a certain guaranty to success and one of the basic marks of true citizenship? They have been obliged to seek employment where they could find it; often they were without funds to travel any great distance, and they were obliged to enter the mines and mills nearest the places of their arrival. We have made many of their women, as well as their men, slaves of our industrial system, our greed. We sent them and their children into the factories, sweat shops, down into the mines, into the depths of the earth, and on the docks or our wharves—wherever there has been lowly and fatiguing work. In 1918, during the war, 58 per cent of them were iron and steel workers, 62 per cent of them miners and wool weavers, 69 per cent of them cotton weavers, and 72 per cent of them clothing-shop men. All the heavier and more difficult places of our industrial life show similar percentages. To him we always gave the lowest place, socially and industrially. Why condemn him for remaining where we put him, or envy him because he and his children have risen to higher stations in life?

Mr. President, candidly must we not admit that we have often been the means of the immigrants sacrificing their spiritual ideals for the material? Are we not somewhat to blame for their failure to take advantage of the opportunities for American citizenship and enfranchisement? Has it not been toil, ceaseless toil, rather than American ideals that we have offered the alien above everything else, and is not his industrial master often his only teacher of Americanism? What I am trying to say, Mr. President, is that we have much with which to blame ourselves for our failure to make all aliens citizens.

Mr. President, with the knowledge that we have of our neglect, of our indifference to the immigrant and his opportunities of assimilation and Americanization, how unfair, how injurious it is to condemn him. Men and women who have come from the open fields of their own country, farmers and peasants who have lived in the sunshine amid sun and laughter, amid the pleasures of their surroundings, overnight have been taken and forced into conditions of life of which complaint is made, with the sole purpose and view of using them, as machines are used, to grind out profits. Well you know we have done this, and we have done it regardless of their social condition, regardless of Americanism; regardless of their souls; regardless of their spiritual welfare. If we had begun sooner to consider our immigrants more as human beings and less as aliens, it would have been better for America and the world.

The whole idea of relative race values is unreasonable and grossly offensive. All of the races that have come to America have brought with them rich values, keen sense of good workmanship, tireless industry, a sane and intelligent outlook upon life, family solidarity, simplicity of life, and a depth of spirituality. Why must you always think of his poverty, his lack of culture, his aloofness from our social and political customs, his strange language? Think of his heart, of the great assets he has brought to America. Yes, and think sometime of how we can prevent our materialistic spirit and age from robbing him and his children of their priceless inheritances, the spiritual legacies that God has especially bequeathed to the peasant of every clime.

Of course, there are exceptions. Of course, there are undesirable men and women, worthless representatives of every race who have found their way here, but justice demands that we should not indict all our aliens because of the poor specimens and unworthy groups that have from time to time come to the centers of American life.

You pretend to claim that this amendment will force the alien to become naturalized. Mr. President, I do not favor the foreigner being forced into citizenship. The test should not be based on his speed in reaching the naturalization courts, but whether or not he has in his soul the American spirit.

What is the American standard this amendment implies? Learn to read and write the English language, go into a court, pay the fee, become naturalized, and you are 100 per cent American!

Very properly we have restricted immigration. Economic reasons, if no other, made such a course necessary following the World War. But for those aliens who were here and those who are coming in the future, I suggest that we give more time and thought to making Americans of them rather than leave them unprotected to be victims of merciless greed, as has been often the case in the past. I would suggest we give more thought to the developments of the spiritual ideals for which America stands than the exhaustion of the immigrants' physical forces. Such legislation and aids will better promote Americanism in future generations than the amendment proposed.

Mr. President, Americanism constitutes, in my opinion, neither the language that a person speaks nor the clothes that he wears nor the wealth that he possesses nor the education he acquires. Americanism is of the soul, in which exalted political ideals and truths should abide. A soul incapable of absorbing and living the political precepts decreed at the birth of the Nation, can never be an American. Our aliens belong to the soul of America. They have within them the basis of great service to our beloved country. The history of our country in the past shows that they have been loyal and never failed in any crisis, with the spirit to serve and sacrifice even life for the preservation of our traditions, our self-government, and our freedom; little else is of consequence if the alien possesses this spirit.

Mr. President, what of the future of America? It rests not with the alien who fails to become a citizen—it rests with the sovereign citizen. At the ballot box the future of America is to be determined, and we should be more concerned about the requirements we exact for citizenship than efforts to force through the enfranchisement of citizens or aliens who are disinterested, illiterate, and uninformed.

The logic of those who urge this amendment upon the theory that foreigners are undesirable is that we will improve our political ideals and standards by leading them to the ballot box. How paradoxical! Five million more undesirable, unwilling foreign voters will make America safer for democracy! How like all intolerant moves!

In one breath you condemn him and in the next you state you want to bring pressure upon him to become naturalized and to

become a citizen. Why not strive to make him a good workman, father, husband, Christian, rather than a politician, particularly a politician in the hands of hostile strangers and self-seekers who are only after his vote and want to keep him down the better to make sure of this, using him as a club to beat the mass and body of the independent, intelligent population of the Nation.

Mr. President, may I presume to suggest that we be somewhat cautious in this hour of our material greatness lest we permit the ease and luxury of the day to develop a spirit of self-complacency and snobbism? If the evils attendant upon greatness and prosperity threaten us, may we not find an antidote in the rivalry, the preserving qualities, the ambitions, the simple and homely ideals of living and the spirit of labor of those who had the courage to fly from their oppressors in other lands and who made stupendous sacrifices to escape the intolerable servitude that opened before them and their children in the land of their birth? May they not bring to us a new life, clean and cheerful and sweet, that will help to check the decay of wealth? May they not bring a realization of the value of peace and justice and a new value of the American economic opportunities so long denied them in foreign lands? May their children not bring some of the realities of life to our children who meet them in our schools, especially if the comforts of the age are pampering and causing an inertia and habits of self-complacency? Is not the stimulus of the unsophisticated children of the immigrant a powerful influence for good?

Mr. President, the spirit in America to-day behind the anti-alien movement is of an unhealthy nature. Unhealthy, both for them and for us. For when we, as a nation, become afflicted with an inflated ego—a snobbish superiority complex—our greatness as a nation will be seriously threatened. After all it is not what we actually do to the alien that matters so much. It is the spirit accompanying our action which is the important thing.

In conclusion, instead of doubting, distrusting, and hating foreigners, let our attitude toward them be one of faith and sympathy. It might be well to recall the definition of "faith" given by the illustrious father of the oldest member of the United States Supreme Court, Mr. Justice Holmes, when he said:

> Faith always implies the disbelief of a lesser fact in favor of a greater. A little mind often sees the unbelief without seeing the belief of larger ones.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired.

Mr. HEFLIN obtained the floor.

Mr. JOHNSON. Mr. President, may I ask the Senator from Alabama whether he intends to speak upon the pending amendment?

Mr. HEFLIN. I do.

Mr. JOHNSON. I am compelled to raise the point of order that the Senator has already spoken upon the amendment.

Mr. HEFLIN. I have not spoken at all since the limitation of debate went into effect; at least, I do not think I have.

The VICE PRESIDENT. The Chair is informed by the clerk that the senior Senator from Alabama has not spoken on the pending amendment.

Mr. HEFLIN. I do not think I have spoken since the limitation went into effect.

The VICE PRESIDENT. The clerks at the desk inform the present occupant of the chair that the Senator from Alabama has 30 minutes on the bill, if he desires to speak on the bill; and as he has not spoken on the amendment, the Senator would have 30 minutes on the amendment.

Mr. HEFLIN. I will have 30 minutes on each.

The VICE PRESIDENT. Thirty minutes on each.

Several Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Alabama yield; and if so, to whom?

Mr. JOHNSON. I was going to suggest that if the Senator from Alabama is about to speak he yield to me to call a quorum, because the Senator from Indiana advised me that he desires an executive session, after which we will take a recess until to-morrow at 12 o'clock, if that course is convenient to the Senator from Alabama.

Mr. HEFLIN. I would as soon have the quorum call now. The Senator may make his point of no quorum at this time.

Mr. JOHNSON. I was about to suggest that I would make the point of no quorum.

Mr. HEFLIN. My colleague has an amendment that he desires to present and have printed.

Mr. BLACK. I desire to offer an amendment to the pending bill in order that it may be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, with the permission of the Senator from Alabama, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	Keyes	Shortridge
Ashurst	George	King	Simmons
Barkley	Gillett	La Follette	Smith
Bingham	Glass	McKellar	Smoot
Black	Glenn	McMaster	Steck
Blaine	Goff	McNary	Steiwer
Blease	Goldsborough	Metcalf	Stephens
Borah	Gould	Moses	Swanson
Bratton	Greene	Norbeck	Thomas, Idaho
Brookhart	Hale	Norris	Thomas, Okla.
Broussard	Harris	Nye	Trammell
Burton	Harrison	Oddie	Tydings
Capper	Hastings	Overman	Tyson
Caraway	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walcott
Couzens	Hebert	Pittman	Walsh, Mass.
Cutting	Heflin	Ransdell	Walsh, Mont.
Dale	Howell	Reed	Warren
Deneen	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Sackett	Watson
Edge	Kean	Schall	Wheeler
Fletcher	Kendrick	Sheppard	

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

NATIONAL ORIGINS—ADDRESS BY REPRESENTATIVE BOX, OF TEXAS

Mr. REED. Mr. President, I present an address delivered by Representative Box, of Texas, over the radio last Saturday evening and published in the Washington Sunday Star of May 26, 1929, pertaining to the question of national origins, which I ask may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD.

Following is the text of Representative Box's speech:

The question whether the national-origins provisions of the immigration act shall go into effect as now provided by the law as written in 1924 involves essentially the question of the restriction of immigration, or the opposite of that policy.

The sum of the quotas on the national-origins basis is nearly 10 per cent less than all the quotas based on the census of 1890. But that is only a minor element in the impairment of the immigration act of 1924 involved in the proposed suspension or repeal of the national-origins quota provisions.

Friends of restriction should search for the record of the Members of Congress who are usually opposed to restriction, and check that by their position on this question. Such a comparison will make it plain that practically all opponents of restriction are now opposing the national-origins provisions.

SUPPORT AND OPPOSITION

I do not know a single opponent of the restriction of immigration, whether an individual Member of Congress or a person or group outside of Congress, who is now supporting the national-origins provisions.

On the other hand, every patriotic organization or other group within the range of my knowledge which has worked for restriction now favors the national-origins quota basis. I now give you the names of some of those organizations which have actively supported the restriction of immigration. Every one of them insists upon the retention of the national-origins provisions as the heart of our quota system:

American Legion, American War Mothers, American Gold-Star Mothers, Commonwealth Club of San Francisco, Disabled American Veterans of the World War, Daughters of the Union Veterans of the Civil War, 1861–1865, Junior Order United American Mechanics, Key Men of America, Ladies of the Grand Army of the Republic, National Society Daughters of the American Revolution, National Society Daughters of the Revolution, National Auxiliary, United Spanish War Veterans, National Society Sons of the American Revolution, the National Women's Relief Corps, New York Chapter United Daughters of the Confederacy, Naval and Military Order of the Spanish-American War, Sons of Confederacy (eastern division), and about 70 other similar American patriotic socieities whose names are before me.

The organizations whose names I have called compose less than 25 per cent of the list now before me, which lack of time compels me to abbreviate. These organizations represent many millions of high-class, patriotic people of every part of the United States. There are millions of others, organized and unorganized, who hold the same view. They are in earnest about keeping America American and are not playing politics with alien and hyphenated blocs. I know of not one such organization which has declared itself against the national-origins quota provisions.

CONCLUSION TO BE DRAWN

What conclusion can a citizenship which believes in restriction draw when it sees all opponents of restriction arrayed against the national-origins provisions and all organizations which work for restriction actively supporting them?

The active opponents and supporters of the national-origins provisions have given the question special attention. Are both ignorant of what is involved? To believe that requires a peculiar mental make-up or a situation making it politically or otherwise convenient to entertain such a view.

I do not deny the existence of a small minority of men who have voted for restriction, who now, because of peculiar personal leanings or local connections or the necessities of politics, will vote to change the act of 1924 by abandoning the permanent quota basis therein provided and using in its stead the 1890 basis named as a temporary one in that act. But that small minority would amount to nothing in numbers or political influence but for their alliance with the opponents of restriction.

A well-financed widespread propaganda has been put out to mislead the country into believing that the national-origins quota basis is an afterthought added at some later time for some reason foreign to the spirit and intent of the act of 1924. These provisions were written into the 1924 act and have been the permanent keystone of the arch of the quota system since it was constructed by Congress and approved by the President. The 1890 census basis was to be temporary, with the express provision that such temporary basis should be replaced with the national origins as the permanent basis.

WEAKNESS OF QUOTA BASIS

Few, if any, students of the problems and supporters of restriction failed to recognize in 1924 the weakness of a quota basis computed entirely on the foreign-born population at a time 34 years then past, and necessarily destined to become more and more remote. When the drafting of the 1924 quota law began many were willing to use the 1890 census basis in preference to any other then suggested, but it was accepted for a time only because nothing more satisfactory had been offered. Many of the ablest students of the problem in the Senate and House, and outside of Congress, saw the weakness of an enumeration of foreign born in 1890 or at any other time as a quota basis. This caused the national-origins provisions to be written by the Senate, after which it was agreed to by the House and Senate conferees, and still later by the House, and afterwards approved by the President.

The number of foreign born in the country in 1890 is a foreign-born basis. The national-origins computation of every element of the whole population of America, native and foreign born, as built from the first settlement of the Colonies, the Territories, and other parts of the Republic, running through the census of 1790 and every census to date, is an American basis.

MISSTATEMENTS REPEATED

The oft-repeated statement that the national-origins quotas are based solely on the apparent origin of names shown in the census of 1790, or exclusively on the whole of that census, is not true. The history of the settlement of the Colonies, of the settlement of Florida, of Texas, of the Louisiana Territory and the parts of Mexico, which went into American States, the census of 1890, and each succeeding census, with all our immigration figures and the emigration records of Europe, went into the computation made by experts who had made a thorough study of census and population elements and had long practical experience in dealing with them. Each of the quota countries was then given a quota in approximate proportion to its contribution to our composite population.

Of course, they did not compute the racial composition of individuals. The law forbids that. To tell the public that is involved, is to quibble and equivocate.

An effort has been made to impress the country that the national-origins provisions furnish only an unworkable approximation of a quota basis, and that the 1890 census is an exact and certain basis for the calculation of quotas made in 1924. Between 1890 and 1924, a period of 34 years, the international boundaries of Europe had been conglomerated and rearranged on a vast scale. All that the census of 1890 showed as to the country of the immigrant's origin was that he was born in Russia or in Germany or France or Austria, or one of the many oft-changing Balkan States, as the immigrant understood and stated to the enumerator in 1890. Even if the statements of the foreign born, many of whom neither understood nor spoke English, made to the temporarily employed thousands of untrained enumerators, as to where the immigrants were born, had been correct, some of the countries to which quotas were given in 1924 did not exist as nations in 1890 and were, of course, not listed in that census.

PEOPLE UNDER NEW MAP

Some European states had been created out of the territory of other countries. In some instances territory had been taken from two or three nations to form new states. In many instances regions had been taken from one country, listed in the census of 1890, and given to another during that period of 34 years. Indeed, the map of Europe had been remade. The best equipped diplomats had to have maps and expert geographers at hand to advise them of the inclusion or exclusion of some regions and the location of boundaries, existing and proposed. Those who figured the quotas on the basis of the 1890 census had to estimate whether the Austria or Poland or Czechoslovakia or Yugoslavia or Turkey or France or Italy or Russia or Germany of 1924 included the locality in which the immigrant was born some time prior to 1890. These experts have frankly advised the Senate committee that this general condition prevailed when they somewhat hurriedly computed the quotas based on the census of the foreign born in 1890.

The time between the approval of the 1924 act and the date on which it took full effect was so short that even the temporary quotas provided for in that act had to be promptly approximated. Of course, the result was a general and rough approximation, necessarily made in a hurry, from insufficient data for immediate, though temporary use. The country had a right to have such an approximation made in the emergency then existing. It has the right and is in duty bound to make the more logical, fair, and permanent approximation provided in the national-origins clauses, in the more careful and deliberate manner provided by the law, time permitting it.

GERMAN BASIS UNFAIR

The 1890 census basis gives to Germany 31 per cent of the total quotas, though Germany has contributed at most about 17 per cent of the racial stock of the United States. The same failure of the 1890 census to furnish a fair basis developed in varying but substantial degrees in apportioning quotas to other countries.

A word of the testimony of the experts who compared these bases and computed the national-origins quotas will be worth hearing. Doctor Hill, Assistant Director of the Census, whose character, ability, and expert knowledge, all admit, was chairman of the quota board. From his testimony I quote:

Doctor HILL. "I will say, however, that no proposition has been brought to my attention that seems to be fairer than this one of national origin."

Again Doctor Hill was asked the question, "Does the distribution of quotas based on the 1890 census reflect with any accuracy the proportion of nationalities that now exists in the United States?"

Doctor HILL. "No, indeed; it does not."

The claim that the national-origins basis is not workable is answered by the fact that the quota board has worked out, the secretaries have certified, and the President has proclaimed the national-origins quotas.

The three secretaries in their final report said: "We, in the discharge of duty laid upon us by the statute, have made the determination provided in subdivision c7 of section 11 of the act and jointly submit herewith the quotas of each nationality determined as provided in subdivision (b) of the act."

NO DISCRIMINATION IN ACT

The claim that the national-origins quota basis discriminates against any nation or people is based on the assumption that it is unfair to give quotas to immigrant-furnishing countries in proportion to their respective contributions to the whole white stock of the Nation. No European countries or people acquired vested rights in the temporary quotas provided in the 1924 act, even if those quotas had been presented as prospectively permanent. The absurdity of an assumption of such vested rights is heightened when it is remembered that those temporary quotas were presented as temporary, accompanied by provisions for their early abandonment for the permanent origins basis.

The census of 1890 is now nearly 40 years old, and is becoming more remote. The national-origins basis moves forward with each decade and continues with each census, ever approximately proportionate to the white American population.

Whatever the Government does to restrict immigration always has been and will be viciously assailed by those who would have the people of Europe and other countries treated as possessing vested rights to places and opportunities in America. No sooner had the national-origins basis been adopted than certain race-conscious blocs with strong foreign affinities, who have almost invariably opposed every restrictive act, began to move among other groups to organize an attack upon that quota basis. If the 1890 census had been the permanent quota basis provided in the act of 1924, it would have been as violently attacked as has the national-origins basis and would have been weaker under attack. Indeed, that census had been assailed from the first while it was under consideration as a permanent basis. The country already has ample notice that it will be attacked if it should be made the permanent quota basis. If the groups who give body and strength to the attack now being made had not assailed national origins, they would have directed their forces against some other fundamental part of the law.

The minority of friends of the 1924 immigration act who are joining the opponents of all restriction in an effort to suspend or repeal the national-origins provisions of the law are committing a great folly. If the attack on the heart of the 1924 act should succeed, the antirestrictionists will attack some other key position, and the patriotic people, who are determined to maintain the numerical restriction included in the quota system, will probably launch a well-organized, nation-wide drive to reduce all quotas as low as one-half of what they are now and to restrict immigration still further in other directions.

If our friends want more of this war, it is waiting for them.

NATIONAL ORIGINS—ADDRESS BY SENATOR NYE, OF NORTH DAKOTA

Mr. NORBECK. Mr. President, I present an address delivered by Senator NYE over the radio last Saturday evening and

published in the Washington Sunday Star, relating to the question of national origins as involved in the immigration act of 1924, which I ask may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD.

Following is the text of Senator NYE's speech:

I wish it were possible to discuss the merits and demerits of the national-origins clause in the immigration act without reference to the people of any country. But it can not be so discussed, partly because, as Americans, we claim the right to some measure of selection and choice in our invitations to the people of other lands to be at home here with us and partly because some advocates of the national-origins plan are often resorting to the grossest of misrepresentation as to what it is all about. There has not in many moons been a question upon which there has been so much misinformation digested as upon this national-origins question.

The national-origins plan had its inception back in 1924 and was one proposing the preservation of our racial balance by admitting each year as immigrants a proportionate likeness of our present population and population of our country at its inception back in the colonial days. If a given percentage of our whole population traced its ancestry back, let us say to Norway, then under the national-origins plan of immigration quotas the number of immigrants admitted annually from Norway would be the same percentage of the total number of immigrants to be admitted, the total number being fixed at 150,000. That was the theory of the national-origins plan. Who could complain against such a plan? None dared to; none wanted to.

TIME TO WORK QUOTAS

However, it was at the time conceded that it would take some little time to work out the quotas on this basis and theory and it was necessary to set up some temporary machinery to govern quotas until the national-origins quotas should be determined. It was determined to admit from each of the quota countries 2 per cent of the total foreign-born population found in America from those quota countries by the census of 1890. This would bring us approximately 150,000, the same number as was provided for in the national-origins plan. Under this plan, if the census of 1890 showed a population of 25,600 in America who were born in Belgium, then Belgium, under the temporary quota basis, would be entitled to send 512 immigrants to us annually, this being 2 per cent of that total.

It is this basis of immigration quotas, based upon the 1890 census of foreign born in America, which has since 1924 been operative and which will continue to operate until the national-origins plan becomes effective or until change is made in the law.

In the immigration act of 1924 Congress provided for a commission to determine what the quotas would be under the national-origins clause. This commission consisted of the Secretaries of State, Commerce, and Labor in the President's Cabinet. They were Secretaries Kellogg, Hoover, and Davis. This commission straightway put experts to the task of ferreting out the facts upon which to base quotas under the national-origins plan, and from 1924 until very recently these experts have been at work.

CONGRESS POSTPONED DATE

In 1927, after nearly three years of study, figures were submitted by the commission to Congress. They were not backed by that confidence which seemed essential, and uncertainty as to their accuracy caused Congress to postpone the effective date of the national-origins plan for a year.

The experts and the commission submitted another set of figures in 1928. Again were they declared to be inaccurate and not final.

In each case, the commission itself made clear its lack of confidence in the figures, and again there was postponement of the effectiveness of the national-origins basis. Then, this year, in February, another statement was submitted by the experts showing what they had again concluded would be the quota for each country under this national-origins plan. In many cases it was as different from the last statement submitted as there is difference between night and day.

Following the submission of the last statement and late in the life of the last session of Congress, I introduced a resolution which again called for postponement, but a fight ending in a filibuster against the move to postpone was undertaken. At this new and special session of Congress bills to repeal and resolutions to postpone have been offered, but they have been tied up in committee so as to deny to Congress the chance to vote upon the question of repeal or postponement. However, an agreement now seems to prevail which will afford the Senate, some time next week, a chance to vote and test strength upon the issue. So evenly divided is sentiment upon this question that one or two votes in the Senate is quite apt to determine the result.

FOUR ESTIMATES MADE

I have recited the differing conclusions which have been reached by the commission and its experts in the study of the question which has been submitted to Congress. No less than four such estimates—for estimates and uncertainties they must now be accepted as being—have been submitted by the same commission and experts. And what a variety of guesses they were! Indeed, it is little wonder that the three members of the commission, Secretaries Kellogg, Hoover, and Davis, declared the national-origins plan to be inaccurate and not practicable. Let us see how these estimates have varied in the cases of a few of the countries:

The four Austrian estimates were as follows: 2,171, 1,486, 1,639, 1,413.

The Belgian quota was first estimated at 251. Then later estimates declared the number to be 410, 1,328, and finally 1,304.

The first guess on the French quota was 1,772, then 3,837, then 3,308, and finally 3,086.

Germany was first placed at 20,028, and each subsequent estimate raised the total until the final figures declared Germany entitled to 25,957.

Hungary was first set at 1,521, and subsequent studies and estimates brought it down to 869.

Ireland was first given 8,330 as its quota. Then following estimates saw it gradually increased to more than twice that number.

A variation of 2,000 is shown in the various quotas determined due Poland. Russia's quotas, as arrived at by the experts, wobbled all the way from 4,002 to 2,784. Switzerland was first declared entitled to 783 under the national-origins plan and later figures gave it 1,707.

And so it goes throughout the list of countries coming under the quota laws. Four different studies brought four different conclusions! It all goes to demonstrate how inaccurate must be conclusions as to just what percentage of our population traces its origin to this, that, and the other country. It all gives us an understanding of what prompted Mr. Hoover, as a candidate for President, to declare his belief that the national-origins plan was inaccurate and ought to be repealed, and, further, what prompted him to ask, in his first message to Congress, for its repeal.

Any basis of immigration quotas must be reasonably accurate before people generally can be expected to accept it as a proper basis. But in spite of this very intelligent opposition to national origins, a determined effort is being made to force national origins to become effective July 1 of this year, as it will become effective if it is not repealed or postponed before then.

If figures were available showing immigration to our land in the colonial days and the early days of our history as a nation, it might be possible to sit down and work out a basis of immigration quotas on that theory. But there are no such figures of an accurate nature prior to 1820. A large part of whatever data was available prior to that time was destroyed in the fires set by the British in the War of 1812, when the National Capitol and records were destroyed.

However, friends of national origins insist that it is still possible to determine our national make-up back in that period through records of arrivals of ships bringing immigrants in our early ports and through names found upon the records of the first census taken in America in 1790, and other sources. However, it is a well-known fact that when a shipload of immigrants arrived in America in those early days, if the ship bringing the immigrants was a British ship, and the great bulk of them were British, then these immigrants were recorded as being of British origin. It is also a well-known fact that a large number of men who fought in Washington's Continental Army bore names which are not found upon the census rolls of 1790, thus demonstrating how inaccurate is the 1790 census. That being the case, it appeals to me, as it appeals to many others, that we are better to maintain the present basis of quotas, which is that figured on the census figures of 1890, showing the total number of foreign-born residents in America at that time, and to maintain this until some better scheme can be worked out.

FIGURES ARE SURPRISING

Careful tabulation of the records of immigration in America during the first 70 years of immigration statistics, starting in 1820 and ending in 1890, surprises one when these records are compared with the temporary immigration quotas which have been established by virtue of the 1890 census of foreign born. These records disclose that England, Scotland, and Wales sent to us during that 70-year period an average of 39,380 immigrants annually. The quota of Great Britain under the 1890 basis now operative is 34,007. Under national origins it would be 65,721.

Belgium sent us an average during that 70-year period of 628 and under the 1890 basis they sent us 512 immigrants annually. Under national origins they would send 1,413.

Russia sent an average of 3,663 and under the present basis of quotas is privileged to send 2,248 each year. The national-origins plan would give Russia 2,784.

Greece sent us 39 immigrants on the average during that 70-year period and under the 1890 basis now operating sends us 100 immigrants annually. Under national origins Greece would have 307.

Germany sent us 64,359 on the average through that longer period and under the present basis of quotas is privileged to send us 51,227 immigrants annually, whereas national origins would cut Germany to 25,957.

Ireland sent an average in that first 70-year immigration period of 49,781 each year and under the present basis of immigration is privi-

leged to send 28,567 annually. The national-origins plan would reduce this number to 17,853.

Norway, Sweden, and Denmark in the 70 years sent an average of 15,251 immigrants a year to us. Under the present basis of quotas those countries are entitled to 18,803 per year. Under the national-origins plan these Scandinavian countries would be slashed to 6,872.

These figures show how much more fair the present quotas are than the national-origins quotas would be.

I have said that there has been resort to the grossest kind of misrepresentations about what national origins would accomplish. I want to recite and correct some of those representations.

It is claimed that national origin is a plan to further restrict immigration to America. I am myself a believer in restricted immigration, but the national-origins plan was never intended to restrict immigration any further than it was already restricted by the 1890 quota basis. There is a difference of 9,000 or 10,000 who can come to this country under the two plans, and I, for one, as a foe of the national-origins theory, would gladly consent to a proportionate shaving of the present basis of quotas to a point which would give us the same number under the present basis as would be admitted under the national-origins plan. But the national-origins plan was not intended to constitute a further restriction of immigration.

There is another representation to the effect that the national origins, if it discriminates against any people, discriminates against the people of southeastern Europe. The facts are that the national-origins plan will increase immigration from southeastern Europe by more than 4,000, and, while increasing immigration from Great Britain, will decrease immigration from Norway, Sweden, Denmark, Germany, and Ireland by nearly 50,000, while reducing the total immigration by less than 10,000.

No one who has studied the history of immigration and the contribution of immigrants can call such a basis of immigration quotas fair. Under national origins the quotas from Italy, Greece, Russia, and other southeastern countries would be increased. Italy, for example, would be increased from 3,800 to 5,800; Great Britain would be increased from 34,000 to 65,000; and, while this is taking place, national origins is cutting the quota of Denmark from 2,700 to 1,100; of Germany from 51,000 to 25,000; Ireland from 28,000 to 17,000; Norway from 6,400 to 3,300; Sweden from 9,500 to 3,300.

GENERAL DISSATISFACTION

The contributions of the people who came to us through all our history from northern Europe have been written so indelibly upon the pages of our history that I do not wonder in the least that there is general dissatisfaction with the national-origins basis of quotas. We know of the records and the parts which these people have played in all of those engagements which have meant the life of our country, and we know of the great pioneer strides which these people have made in behalf of the building of America.

A further misrepresentation has been made upon this subject with relation to the attitude of the American Federation of Labor, which has been declared to be in approval of the national-origins theory. This is false, and the officials of the federation have made it very clear that they are opposed to national origins.

There has also been an effort made to cause people to believe that national origins would remedy that situation which finds our jails, our asylums, and our hospitals filled with diseased, feeble-minded, and paupers, who are immigrants from countries of a blood alien to our own. When this claim was made upon the floor of the Senate some few days ago the statement was challenged and an explanation was demanded. The explanation was made through a demonstration of the kind of immigrant that is coming to us from Mexico. But Mexico is in no way affected by the national-origins plan of quotas or the plan of quotas which is now in effect. Mexico is not upon a quota basis at all, and people should not be misled. We know that under the present basis of quotas we are winning immigrants from countries which have contributed the finest, the cleanest, and the most able of immigrants throughout our history.

The time allotted me to discuss this question is not at all ample to fully set forth the facts pertaining to this great controversy, but I would, in conclusion, point out this—that the national-origins plan would not seem to bring us nearly so accurate a counterpart of our population as does the present basis of quotas which are builded upon the population of foreign-born in America in 1890.

I would point out also that it is hardly fair to draw so strict a conclusion as many do draw to the effect that our colonial stock in America was British stock. President Roosevelt once wrote that "It is always well to remember that at the day when we began our career as a nation, we already differed from our kinsmen of Britain in blood as well as in name; Americans belong to the English race only in the sense in which Englishmen belong to the German race."

I wish with all my heart for the repeal of the national-origins clause in the immigration act because quotas under such a basis are certainly not in keeping with the best interests of America as those interests are involved in the question of immigration.

ELECTION LAW REFORMS—SPEECH BY SENATOR CUTTING, OF NEW MEXICO

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have printed in the RECORD a very able speech delivered over the radio by the junior Senator from New Mexico [Mr. CUTTING] on Election Law Reforms.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD.

Senator CUTTING spoke as follows:

For 30 years there has been a continuous agitation about the high cost of election campaigns.

Nevertheless, nothing concrete or effective has been done.

The clearest proof of this is that up to the present time no individual has yet been convicted and punished by a court or expelled from either House of Congress for violation of any Federal corrupt practices act. This is either a sign of universal virtue or it means that our laws have no teeth.

The first law providing for the publishing of campaign contributions was passed by Congress in 1910. It was followed in 1911 by a law extending the provisions of the 1910 law to candidates for nomination and election to the offices of Senator and Representative and limiting the amount of campaign expenses. The provision dealing with nominations was declared unconstitutional by the Supreme Court in the Newberry case and was omitted in the latest Federal corrupt practices act of 1925. The total result of all this legislation is utterly negligible.

A committee of the United States Senate presided over by former Senator Kenyon in 1920, after investigating the cost of presidential campaigns, reported to the Senate "that expenditure of these vast sums is a present and growing menace to the Nation" and that "the Committee on Privileges and Elections of the Senate should in the next Congress take up the question of remedial legislation." Up to the present time no action has been taken on the recommendations of the Kenyon committee.

The first reason for the failure of Congress to act is that little unprejudiced thought has been devoted to the subject and that there has never been any continuous body to carry recommendations into effect. Just before every presidential campaign, during the campaign, and immediately after it, there is a violent discussion of the subject of campaign expenditures. Such discussion is usually partisan and ineffective. This question is not one of party affiliation. Every party has shown itself equally guilty, if guilt there be. The remedy must come from Congress, because Congress alone has authority to act.

The legislation at the present time on the Federal statute books is based on a supposed system of publicity. Candidates and political committees are required to file their expense accounts with the Clerk of the House or the Secretary of the Senate. The intention was first to convey information to the voters, and, second, to provide a record for possible court proceedings. As a matter of fact, there is no real publicity. The reports have no news value except in unusual cases. Moreover, since a man who would violate the law would probably also falsify his expense account, there can be no particular value in the mere act of filing it. Unless a contest is brought, the reports never see the light, and the facts actually developed in contest proceedings scarcely ever include anything contained in the report.

This system will remain futile unless somebody is given both the power and the machinery to audit every report and ascertain whether the facts therein stated are correct. Neither the Clerk of the House nor the Secretary of the Senate has the time, the authority, or the facilities to do this work. A permanent commission must be added to the present staff of the Congress of the United States, and have full authority to conduct hearings, take testimony, receive and investigate reports and credentials, and report to Congress the facts in connection with contest cases. Such a commission is the first step in any far-reaching election reform. It would naturally investigate the whole subject in the kind of detail which is impossible for any temporary congressional committee, no matter how able its membership may be.

The second great difficulty in bringing about a system of adequate election legislation is that of limiting the amounts and sources of campaign contributions, and the purposes for which they can be expended. For years we have listened to stump speeches denouncing the excessive use of money in the elections. Yet the election of 1928 was by far the most costly in the history of this country. Just because both parties outdid all previous records there has been little occasion for partisan criticism on either side. The two national committees together admit the expenditure of over $7,000,000 as against $4,300,000 in 1920, and slightly under four millions in 1924. It has been calculated by competent experts who have figured out the average expenditures of State, county, local, congressional, and unofficial agencies, that the sum accounted for by the national committees amounts in general to about one-fifth of the total amount expended. This, if correct, would mean that the 1928 campaign cost reached the staggering sum of $35,000,000.

It is clear that sums of this size can not be raised from private sources with purely altruistic motives. While there are, of course, many hon-

orable men and women who contribute to campaign funds with nothing but the public interest in mind, these people are bound to be in a small minority.

Former Secretary McAdoo, himself once chairman of the Democratic National Committee, testified in 1920 that "These men who put up vast sums of money, Republicans and Democrats alike, all seek the return of their candidate, and many of them seek to have favors returned from their candidate after they have been elected. * * * The expenses of the national elections should be paid for out of the United States Treasury, and it should be made a crime for a man to contribute a dollar to influence an election. * * * The cost of campaigns would be reduced to one-fifth of what they are now."

Representative ROBERT LUCE, of Massachusetts, one of the ablest and most experienced Republican Members of the House, expressed the same point of view when he stated before a House committee that "The way to stop expenditures of money in elections is to stop it. * * * If we accept the thesis that candidacy is of public concern, then legitimate expenses for campaign purposes ought to be paid for out of the Public Treasury."

It was probably in an honest attempt to get away from political and personal obligations that the Republican National Committee in 1920 decided to limit all individual contributions to $1,000. The cure proved more deadly than the disease. A heavy deficit was left at the end of the campaign, and the chief contribution to the deficit was made under profound secrecy by Mr. Harry Sinclair. Contributions to deficits are not included in the present law. But clearly they are more dangerous than any other kind of contribution. Mr. Sinclair testified that he had been in the habit of contributing to both political parties. He had not been particularly interested in the Republican Party until the election was over. A contribution before the election would have been in the nature of a gamble. Once the Republican Party was safely in power he became a zealous Republican and made the largest contribution to cover the deficit. This kind of contribution ceases to be a gamble. When a party is already in power an investment in its stock brings certain and immediate returns. At least it proved so in his case.

I wish to reiterate that no partisan question is involved. Both parties have got to operate on a large financial scale so long as either one so operates. It is a vicious circle. When you know that your opponent is legally allowed to expend an unlimited sum, and proposes to do so, you are obliged to act in self-defense, and raise and expend similar amounts.

The system is illogical and unjust, even though the object for which the money is spent may be legitimate. The fact still remains that under an unlimited system of private contributions no man or party without resources can compete with those who are either wealthy or can command contributions from prospective beneficiaries.

And, after all, most of the money is not spent in legitimate ways. I do not mean that a great deal is spent in actual bribery or corruption. But most of it goes not to educate but to muddle and confuse the mind of the voter. The important facts about any candidate or any party can generally be expressed in a very few words. Instead of allowing the voter to concentrate his attention on those simple facts he is bewildered by a vast appeal to prejudice, to ignorance, and to the temporary fads of the moment. From the point of view of public interest, therefore, four-fifths of the money now expended in a national campaign is not merely wasted but actually spent to the public detriment. If the public took over the expenses the cost would be reduced from $35,000,000 to a comparatively small sum.

Legislation of this sort is exceedingly difficult to frame. The fact remains that it must be framed if the people are to retain control of their own Government.

Lastly, the present corrupt practices act does not deal with primary or nomination conventions at all. This is due primarily to the Newberry decision. There is some reason to believe that a new Federal statute passed at the present time and dealing with primaries might be held constitutional in spite of the Newberry decision, but the safest way to deal with this question is to pass a constitutional amendment giving Congress that power. I realize how difficult it is to change the Constitution, and I know that many people deplore the occasional need to do so. To this I can only reply that the fathers of the Constitution themselves did not feel that way about it. In a time of acute crisis they wrote a fundamental law admirably fitted to the requirements of that time. They spent no vain efforts in trying to guess what kind of a world this world would be after another 140 years, and instead provided a way to amend the Constitution to meet whatever changed conditions might arise. They provided a method of calling together a new constitutional convention. I venture to say that every member of the original convention would have been amazed to learn that a century and a half would elapse without any advantage being taken of that provision. It is with all reverence for the judgment of the Constitution makers that I say that they would have been the first to agree that where a vital issue has arisen it must be met by any method necessary to meet the emergency. This particular issue of the use of money in politics presents, as Senator BORAH has said, "a problem as deep and vital as representative democracy itself." It must be solved, regardless of the means which we may have to apply.

STRIKE SITUATION IN THE SOUTH

Mr. BLEASE. Mr. President, I ask to have printed in the RECORD two editorials, one from the Washington Post of this morning, and one from the Raleigh (N. C.) News and Observer, on the strike situation in the South.

The VICE PRESIDENT. Is there objection?

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Raleigh News and Observer, May 20, 1929]

THANK GOD FOR SOUTH CAROLINA

There was a time when, deploring the low place of North Carolina in education, Governor Aycock was wont to explain, "Thank God for South Carolina," adding that "but for the Palmetto State North Carolina would be at the bottom of the ladder."

To-day in quite another sense, with reference to labor disputes and strikes in textile mills, we should rejoice in the good example South Carolina has set for other States and say "Thank God for South Carolina." That State has the best laws as to hours of labor of any Southern State, and last week it adjusted labor troubles in a manner that points the way to North Carolina employees and employers in textile mills. The South Carolina way is thus told in this telegram from Greenville, S. C.:

"Negotiations were completed this afternoon whereby operatives of Brandon Mill here will return to work Monday afternoon at 1 o'clock, terminating a strike called March 27. It is expected that the other mill in the Brandon chain, Poinsett at Greenville, and Woodruff at Woodruff, will also accept the agreement adopted by Brandon workers to-day and that by the middle of next week all of the 2,700 operatives in the Brandon chain of mills will be back at work.

"The strikes were called in protest against the extended operating system that had been adopted in the Brandon mills. In reaching an agreement both the mill management and the operatives departed from their original positions and made certain concessions.

"A price scale for weavers and battery hands, who were extended in their labor before the strike, was fixed by the management and accepted by the operatives. The pay will be higher than these operatives were receiving prior to the strike.

"The agreement provides for referring any differences arising in the future to the State board of conciliation for final decision. None of the strikers will be discriminated against on account of their activities in the strike.

"The agreement was accepted by the strikers' grievance committee this afternoon and was unanimously adopted by the strikers to-night."

A similar adjustment is thus told in a telegram from Union, S. C.:

"After a number of conferences between the management and operatives of Monarch and Ottaray mills an agreement was reached at noon to-day, and the operatives voted to return to work Thursday morning. The weavers will have 72 looms as a set standard, and at a weekly wage of $21. The battery fillers were raised one-fourth of a cent, this applying to both regulars and 'space hands.' The pay for a regular was 4 cents; it will now be 4¼ cents. The 'space hand' got 3½ cents and will now get 3¾ cents. The agreement was reached after a lengthy meeting of the strikers this morning and a number of conferences between operatives and operators of the mills."

The only fair and permanent way to secure the best results, remove dissatisfaction, and promote understanding is by frank conferences between representatives of employers and employees. No policy of refusal to discuss and to lay all the cards on the table and to arbitrate can secure and maintain just and harmonious relations. South Carolina points the way.

[From the Washington Post, Monday, May 27, 1929]

LEAVE IT TO THE STATES

The settlement of the strike at the rayon mills of Elizabethton, Tenn., is to be credited to Miss Anna Weinstock, of the Department of Labor, and to the sensible decision of the companies concerned not to discriminate against any former employee because of his affiliation with the union. Miss Weinstock's success in bringing the employers and employed to an agreement is a striking example of what can be done by personal effort when tact, experience, and skill are brought into play. It is supposed to have been Miss Weinstock's advice that induced the companies to engage E. T. Willson as personnel officer, with full powers to pass upon and decide each individual case of reemployment. Mr. Willson's management of conditions at Passaic, N. J., resulting in an amicable adjustment of labor difficulties, have commended him to the workers of Elizabethton as a man who will give them a square deal.

A strike that is said to have cost the rayon companies $40,000 a day, and which has borne heavily upon the workers and the community, now comes to an end. The Senate committee, which has been making preliminary inquiries into the dispute, had nothing to do with the settlement. The threatened interference of the Senate had a tendency to aggravate a bad situation, by antagonizing State authorities and by holding out false hopes to the strikers. As the Post pointed out at the beginning, this strike and all other labor disturbances within the States are matters that do not concern Congress, and it has no right to inter-

meddle with them. No Federal legislation can be enacted that would not be an encroachment upon State rights. There being no occasion for legislation, a Senate investigation would merely stir up resentment and make conditions worse.

The textile industry of the United States is not under Federal jurisdiction, as are common carriers. It would be an unwarranted misuse of the power to regulate commerce if Congress should attempt to assert jurisdiction over corporations answerable to the States in which they are organized and in which they operate. The power and duty to preserve order in case of a strike affecting such corporations rest in the State, and it is only when a State is unable to preserve order that its governor is warranted in calling upon the President for help. At no time has the State of Tennessee been unable or unwilling to exercise sufficient police power at Elizabethton to preserve public order and to protect life and property.

The tendency of Senators to seize upon such disturbances as an excuse for investigations and national legislation is vicious, whether it is inspired by personal demagogic aims or for the furtherance of the process of Federal usurpation of State powers. The Senate should call off the proposed investigation into the textile industry. Every State in which textile mills are operating is competent to regulate them, if they need regulating.

MUSCLE SHOALS

Mr. BLACK. Mr. President, I ask unanimous consent to have inserted in the RECORD an article appearing in a Florence, Ala., paper, relating to Muscle Shoals.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POWER SALES IN APRIL ONLY 2 PER CENT OF AVAILABLE

According to the records of the Government engineers in charge at Muscle Shoals the total available power at Wilson Dam during the month of April, 1929, was 150,652,100 kilowatt-hours. Of this, 3,046,000 kilowatt-hours was sold for general distribution. The power sold was 2.021 per cent of the power available during the month and the remaining 97.979 per cent was allowed to waste over the spillways.

There is no available market for the enormous amount of power allowed to go to waste, and it is apparent that the only profitable use that can be made of the power is in the manufacture of cheaper and better fertilizer for the farmer.

This is a farm relief proposition which has passed the theoretical stage. An enormous tonnage of fertilizer is being made in foreign countries by the same process for which the plants at Muscle Shoals were constructed. This cheaper and better fertilizer is being used by farmers of the leading agricultural nations of the world in competition with American farmers, who are paying much higher prices for fertilizer.

To illustrate what the operation of the Government properties at Muscle Shoals in the production of fertilizer would mean in the way of farm relief, the small cotton farmer is now paying $62 per ton for Chilean nitrate containing 15½ per cent nitrogen. This grade of Chilean nitrate contains 310 pounds of nitrogen per ton, and the nitrogen content is the only part of the ton which has any value to the farmer.

The amount of power required to manufacture 310 pounds of nitrogen by the cyanamid process, as shown by statistics of the Department of Commerce at Washington, is 1,455 kilowatt-hours. This amount of power, figured at $17.52 per kilowatt-year, or 2 mills per kilowatt-hour, would cost $2.91. Raw materials and other costs, including 8 per cent profit to the manufacturer, in the fixation of 310 pounds of air nitrogen at Muscle Shoals would amount to approximately $15.75, making a total of $18.66, which would be the cost to the farmer f. o. b. Muscle Shoals.

In the discussions of Muscle Shoals during the past eight years there has been a very strong and influential group who have urged that Muscle Shoals power be used to reduce the rates paid by power consumers. Let us compare the savings to the small farmer with the savings to the small power consumer.

The power required to manufacture 310 pounds of nitrogen, figured at the present commercial rate paid by the small power consumer, using power 10 hours per day, would amount to approximately $36.38. It is claimed by those who would make a power proposition of Muscle Shoals that the above cost could be cut in half. Granting, for the sake of argument, that their claims are true, the power consumer would save $18.29, while the small farmer would save $43.34.

No one has yet claimed that the small power consumer is more in need of relief than the farmer.

Muscle Shoals should be used in the manner provided for in the act of Congress authorizing the construction of the properties at that location.

The farmer is in great need of relief and should be considered first. There is an enormous amount of potential power which can be made available for other purposes in the Tennessee River and its tributaries. In fact, the total power available at Wilson Dam during the month of April as shown above is, according to surveys made by the United States engineers, only 3.4–10 per cent of the power which can be developed in the Tennessee River basin.

MEMORIAL ADDRESS AT UNITED STATES SOLDIERS' HOME BY SENATOR COPELAND

Mr. WAGNER. Mr. President, I ask unanimous consent that there be printed in the RECORD an address delivered by my colleague at the memorial service at the United States Soldiers' Home on the 26th of this month.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD.

Senator COPELAND spoke as follows:

Veterans of all wars, if man could be made good by legislative enactment war would cease and sin would disappear from the earth.

The germs of disease and the germs of wickedness are in the world. If the purpose of human life were merely to pick at a harp and to loaf in holy idleness, I have no doubt God would have created a world suitable for those occupations.

But we must take the world as it is. Whether it conforms to our ideas or not the world is as it is, and by wishing merely we can not change it. Man can not be made good by act of Congress.

As a result, perhaps, of human wickedness wars have come. As a result of human wickedness wars will continue to come. It is probable that for untold generations mankind will be troubled by wars and rumors of wars.

Even if wars are the consequence of wrong thinking, they have been fought by soldiers and sailors whose every instinct has been righteous, noble, and patriotic. When we meet on Decoration Day or on any other national holiday, it is not to glorify war, but to bless those who have given life, or strength and health, for the cause of liberty.

Before me to-day are representatives of several wars. Here are men who have exposed themselves to the deprivations and dangers of military life. They have done for us what we could not do for ourselves. They have struggled and sweat and given their blood, in order that the evil desires of evil men might not prevail.

These soldiers were not the instigators of cruel war. They had no part in formulating the schemes that induced the chancelleries of certain nations to invade the rights of other peoples. They were called to the colors to defend our Nation or sections of our country against disaster. They were the agents of our Government in striking the shackles from the bodies of oppressed peoples.

No matter what may have been the direct or remote causes of the conflicts in which they served, they have no responsibility for the evils that resulted in war. If those conflicts were born in iniquity, these men are the heroes who did their bit to right the very wrongs of war.

The American soldier was never surpassed in bravery or military genius. The spirit of our people is such that a large standing army has not been required. We have had no dreams of conquest. We have had no lust of blood. We have kept ourselves from entangling alliances. In every sense, we are a Nation of peace. But when the demand for battle has been thrust upon us, we have struck hard, and by every recognized means of proper warfare have carried our armies to success.

How brave are these words! They are the words uttered on every patriotic occasion. But here, before me as I speak, are the very men who have done the things of which the Nation boasts. These are they who have borne the heat and burden of the day. These are the men who have made possible the boast of our military prowess.

On Decoration Sunday we should glorify not the wars of history but the men who fought these wars.

It was no easy task for them to say farewell to loved ones at home. It was not a simple thing to break the ties of profession, trade, or whatever other business occupied their thoughts. It was difficult indeed to hush the calls of ambition and to stifle the ardent desires natural to those who cultivate the arts of peace. It took supreme bravery to face the dangers of the military life.

But there never was a time in the history of our Nation when men did not put aside, with every appearance of willingness, all their own fond hopes for the cause of country. That is why we love the soldier. That is why we glorify his deeds.

What is the chief cause of war? What is it that drives nations and groups of nations into relentless military struggle?

Almost invariably wars are due to individual, kingly, or group selfishness. Somebody longs for what is not his. The coal mines of one country are coveted by the owners of iron mines in another. The oil fields of a foreign land attract the greedy eyes of men who live outside its borders.

The causes of aggressive wars do not bear investigation. Often they bring the blush of shame when their secret deeds are revealed to their authors. Almost without exception wars are due to conditions meriting the righteous indignation of the world.

The more we analyze past wars the less readily will we be coaxed into entering new wars. We will be led to hate all wars.

The whole world is paying, and for years and years will continue to pay, for our latest madness. What has it taught us?

Time permits no lengthy discussion of the causes for the World War. There has come out of it, however, a steadfast determination that certain of its evils shall never again be permitted. The bitterness and unhappiness they produced must be made impossible should another war occur, which God forbid!

I have in mind the conscription of man power and the failure of wealth to contribute its proportion of sacrifice and suffering. If we ever have another conflict, when the young manhood of America is called to the colors, every man in industry, in office, in administrative position, or in ownership of money, must be called to do his duty. Wealth and property must be conscripted if blood and bodies are to be.

To my mind, the struggle to defeat the bonus and to set it up against the lowering of the income tax was one of the disgraceful proceedings of the postwar period. To prevent any possible recurrence of that outrageous performance I hope to see the Congress fix now the schedules for pensions and adjusted compensations of the men who will fight the next war.

The men, like those we honor to-day, should be made to feel not that they are being charitably treated but that the benefits they receive are their just due. We can never do enough for men who have fought our battles and who have been ready to die, if need be, for those of us who remained at home.

EXECUTIVE SESSION

Mr. WATSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. WATSON. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Tuesday, May 28, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 27 (legislative day of May 16), 1929

UNDERSECRETARY OF STATE

Joseph P. Cotton, of New York, to be Undersecretary of State, vice J. Reuben Clark, jr., resigned.

ASSISTANT ATTORNEY GENERAL

Charles P. Sisson, of Rhode Island, to be Assistant Attorney General, vice John Marshall, resigned.

ASSISTANT TO THE ATTORNEY GENERAL

John Lord O'Brian, of New York, to be Assistant to the Attorney General, vice William J. Donovan, resigned.

COMMISSIONER OF INTERNAL REVENUE

Robert H. Lucas, of Louisville, Ky., to be Commissioner of Internal Revenue, in place of David H. Blair, resigned.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

TO QUARTERMASTER CORPS

Capt. Dover Bell, Field Artillery (detailed in Quartermaster Corps), with rank from July 1, 1920.

TO CHEMICAL WARFARE SERVICE

Maj. Alexander Wilson, Infantry (assigned to duty with Chemical Warfare Service), with rank from July 1, 1920.

TO CAVALRY

Capt. Walter William Boon, Infantry, with rank from July 1, 1920.

TO AIR CORPS

Second Lieut. Samuel James Simonton, Field Artillery (detailed in Air Corps), with rank from June 14, 1927.

PROMOTIONS IN THE ARMY

To be colonels

Lieut. Col. Archibald Francis Commiskey, Cavalry, from May 17, 1929.

Lieut. Col. William Albert Cornell, Cavalry, from May 18, 1929.

To be lieutenant colonels

Maj. Robert Henry Lewis, Field Artillery, from May 17, 1929.

Maj. William Charles Miller, Infantry, from May 18, 1929.

To be majors

Capt. Walter Alexander Pashley, Infantry, from May 15, 1929.

Capt. Roscius Harlow Back, Infantry, from May 16, 1929.

Capt. Edward Fondren Shaifer, Cavalry, from May 17, 1929.

Capt. George Morris Peabody, jr., Cavalry, from May 18, 1929.

To be captains

First Lieut. Hamilton Folts Searight, Field Artillery, from May 15, 1929.

First Lieut. Ira Woodruff Black, Infantry, from May 16, 1929.

First Lieut. George Jacob Forster, Infantry, from May 16, 1929.

First Lieut. John Cawley MacArthur, Chemical Warfare Service, from May 17, 1929, subject to examination required by law.

First Lieut. James William Darr, Infantry, from May 18, 1929.

First Lieut. Lloyd Raymond Wolfe, Infantry, from May 20, 1929.

To be first lieutenants

Second Lieut. William Joseph Reardon, Cavalry, from May 15, 1929.

Second Lieut. Lester Joseph Tacy, Field Artillery, from May 16, 1929.

Second Lieut. Charles Lanier Dasher, jr., Field Artillery, from May 16, 1929.

Second Lieut. Sanford Joseph Goodman, Coast Artillery Corps, from May 17, 1929.

Second Lieut. Edward Fearon Booth, Air Corps, from May 18, 1929.

Second Lieut. Gerald Goodwin Gibbs, Coast Artillery Corps, from May 20, 1929.

MEDICAL CORPS

To be majors

Capt. Philip Palmer Green, Medical Corps, from May 16, 1929.

Capt. Meredith Rutherford Johnston, Medical Corps, from May 16, 1929.

Capt. Francis Carrillo Tyng, Medical Corps, from May 22, 1929.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, reserve

Brig. Gen. John James Byrne, New York National Guard, from May 24, 1929.

APPOINTMENTS IN THE NAVY

The following-named citizens to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade) from the 4th day of June, 1929:

Wiley M. Sams, a citizen of Kentucky.
John K. Patterson, a citizen of Massachusetts.
Irving J. Warmolts, a citizen of Michigan.
Olin C. Hendrix, a citizen of North Carolina.
Otto L. Burton, a citizen of Alabama.
Branham B. Baughman, a citizen of Kentucky.
Duane F. Hartshorn, a citizen of Colorado.
Charles S. Gallaher, a citizen of Ohio.
Louise E. Gilje, a citizen of Iowa.
Ralph C. Boren, a citizen of Illinois.
O. Henry Alexander, a citizen of Oregon.
Herman A. Gross, a citizen of Illinois.
Edward S. Lowe, a citizen of Colorado.
Harold Simons, a citizen of Illinois.
Robert J. Vaughn, a citizen of Florida.
John M. C. Covington, a citizen of North Carolina.
William C. McBride, jr., a citizen of Oregon.
Frank P. Gilmore, a citizen of Illinois.
Paul Vaughan, a citizen of Colorado.
Arthur F. Gardner, a citizen of New York.
Paul M. Fuller, a citizen of Michigan.
Stanton K. Livingston, a citizen of the District of Columbia.
Oscar D. Yarbrough, a citizen of Alabama.
Andrew A. Love, jr., a citizen of Minnesota.
Carr E. Bentel, a citizen of California.
Charles T. Brown, jr., a citizen of Georgia.
James D. Boone, a citizen of Kansas.
Warren G. Wieand, a citizen of Pennsylvania.
Albert R. Behnke, jr., a citizen of California.
Omar J. Brown, a citizen of North Carolina.
Jasper S. Hunt, a citizen of Georgia.
Marshall O. Boudry, a citizen of Wisconsin.
George W. Dickinson, a citizen of Arkansas.
James J. V. Cammisa, a citizen of Massachusetts.
Francis G. Gleason, a citizen of Illinois.
John R. Weisser, a citizen of South Dakota.

Zack J. Waters, a citizen of North Carolina.
Francis W. Dwyer, a citizen of Michigan.
Harold E. Beasley, a citizen of California.
Kenneth H. Vinnedge, a citizen of Illinois.
Milton R. Wirthlin, a citizen of Arkansas.
Thenton D. Boas, a citizen of Kentucky.
William L. Berkley, a citizen of Mississippi.
Warren E. Klein, a citizen of Louisiana.
Norris M. Hardisty, a citizen of Maryland.
Everett N. Jones, a citizen of Minnesota.
Connie H. King, a citizen of Alabama.
Cameron L. Hogan, a citizen of Illinois.
Gerard B. Creagh, a citizen of Tennessee.
Brooks L. Roberson, a citizen of Illinois.
Anselm C. Hohn, a citizen of Texas.
Thomas Q. Harbour, a citizen of Alabama.
James G. Neff, a citizen of Illinois.
Craig B. Johnson, a citizen of Missouri.
Clarence L. Blew, a citizen of Kansas.
Harold I. Brown, a citizen of Nebraska.
Herbert G. Shepler, a citizen of Ohio.
William P. Stephens, a citizen of North Carolina.
Jack R. George, a citizen of Arkansas.
Ferrell H. Johnson, a citizen of Illinois.
Edward C. Kenney, a citizen of Ohio.
John D. Foley, a citizen of Iowa.
Wadeeh S. Rizk, a citizen of Florida.
Garland A. Gray, a citizen of North Carolina.
Duncan C. McKeever, a citizen of Kansas.
Barton R. Young, a citizen of Pennsylvania.
Benjamin N. Ahl, a citizen of Indiana.
Russell W. Wood, a citizen of Indiana.
Charlie M. Mathias, a citizen of Oklahoma.
Roland G. Vaughan, a citizen of New York.
Rafael A. Vilar e Isern, a citizen of Porto Rico.
Julian M. Jordan, a citizen of Illinois.
Lester L. Arntsen, a citizen of South Dakota.
Charles M. Parker, a citizen of North Carolina.
William Brecher, a citizen of Pennsylvania.
James R. Sayers, a citizen of Oklahoma.
Irving D. Litwack, a citizen of Illinois.
William C. Baty, jr., a citizen of Alabama.
Vincent Flynn, a citizen of South Dakota.

POSTMASTERS

ALABAMA

Thalia F. Pratt to be postmaster at Carrollton, Ala., in place of T. F. Pratt. Incumbent's commission expired December 13, 1928.

James V. Sartain to be postmaster at Jasper, Ala., in place of J. E. Buzbee, resigned.

Tera M. Smith to be postmaster at Midland City, Ala., in place of A. O. York. Incumbent's commission expired February 21, 1929.

William K. Cooper to be postmaster at Northport, Ala., in place of W. K. Cooper. Incumbent's commission expired April 21, 1928.

CALIFORNIA

Cecil J. Brown to be postmaster at Albion, Calif., in place of L. S. Clark, resigned.

Frank N. Blagen to be postmaster at Calpine, Calif. Office made presidential July 1, 1928.

Margaret E. Bailey to be postmaster at Fort Jones, Calif., in place of I. J. Willard. Incumbent's commission expired January 26, 1929.

John M. Francisco to be postmaster at Los Altos, Calif., in place of J. M. Francisco. Incumbent's commission expired March 14, 1929.

John J. Freeman to be postmaster at North San Diego, Calif., in place of J. J. Freeman. Incumbent's commission expired February 23, 1929.

Clarence L. Templeton to be postmaster at Palm Springs, Calif., in place of C. G. Lykken, resigned.

Charles F. Gallmann to be postmaster at Pinedale, Calif., in place of I. J. Gallmann. Incumbent's commission expired February 21, 1929.

William E. Shuck to be postmaster at Woodlake, Calif., in place of J. P. Day, deceased.

CONNECTICUT

Jerome M. Osborn to be postmaster at Stepney Depot, Conn., in place of W. C. Hawley, deceased.

IDAHO

Ansel O. Skinner to be postmaster at Rathdrum, Idaho, in place of D. R. Adams, deceased.

Evalyn F. Draper to be postmaster at Richfield, Idaho, in place of F. E. Reynolds, resigned.

ILLINOIS

Mary A. Hannan to be postmaster at Ohio, Ill., in place of G. O. Conner, removed.

INDIANA

Samuel E. Ellison to be postmaster at Andrews, Ind., in place of D. R. Alpaugh, deceased.

KENTUCKY

Virginia M. Spencer to be postmaster at Garrett, Ky., in place of V. M. Spencer. Incumbent's commission expired February 21, 1929.

Chester A. Dixon to be postmaster at Lothair, Ky., in place of C. A. Dixon. Incumbent's commission expired March 18, 1929.

Mattie Pridemore to be postmaster at Pippapass, Ky., in place of E. M. Geddes, resigned.

LOUISIANA

Frank G. Rieger to be postmaster at Scotlandville, La., in place of F. G. Rieger. Incumbent's commission expired December 11, 1928.

Hazel H. Edrington to be postmaster at Destrehan, La., in place of Florence Shelton, resigned.

Eugene A. Toniette to be postmaster at Sulphur, La., in place of J. R. Coplen, removed.

MARYLAND

Charles T. Johnson to be postmaster at Germantown, Md., in place of B. E. Huplet, resigned.

MASSACHUSETTS

Elmer C. Cobb to be postmaster at Rockland, Mass., in place of M. W. Wright, removed.

Edna M. Small to be postmaster at Sandwich, Mass., in place of G. T. McLaughlin, deceased.

MICHIGAN

Laura G. Poskitt to be postmaster at Prescott, Mich., in place of G. H. Poskitt, deceased.

MINNESOTA

Martin S. Kindseth to be postmaster at Goodhue, Minn., in place of F. T. O'Gorman. Incumbent's commission expired December 9, 1928.

George W. Hanson to be postmaster at Kenyon, Minn., in place of O. M. Goodfellow. Incumbent's commission expired January 31, 1929.

MISSOURI

Ulysses S. G. Evans to be postmaster at Farmington, Mo., in place of U. S. G. Evans. Incumbent's commission expired March 14, 1929.

Thomas K. West to be postmaster at Fordland, Mo., in place of K. K. Black, resigned.

Zoe Morris to be postmaster at Liberal, Mo., in place of E. A. Wilson. Incumbent's commission expired January 14, 1928.

MONTANA

Alvin E. Peterson to be postmaster at Coffee Creek, Mont., in place of Curtis Burns. Incumbent's commission expired December 29, 1928.

NEBRASKA

Irving L. Moore to be postmaster at Wauneta, Nebr., in place of Z. E. Decker, removed.

NEW JERSEY

Frederick G. Anderson to be postmaster at Basking Ridge, N. J., in place of W. L. Scheuerman. Incumbent's commission expired January 22, 1929.

Edward W. Walker to be postmaster at Cranbury, N. J., in place of E. W. Walker. Incumbent's commission expired January 22, 1929.

Halsey Hoffman to be postmaster at Gladstone, N. J., in place of F. P. Crater. Incumbent's commission expired February 24, 1929.

George A. Sweezy to be postmaster at Vauxhall, N. J., in place of C. A. De Bue, resigned.

NEW YORK

Nettie Kass to be postmaster at Greenfield Park, N. Y., in place of Harris Kass, removed.

Melvin B. McCumber to be postmaster at Henderson, N. Y., in place of M. B. McCumber. Incumbent's commission expired March 14, 1929.

Clyde H. Ketcham to be postmaster at Islip, N. Y., in place of C. H. Ketcham. Incumbent's commission expired March 14, 1929.

Agnes R. Youngers to be postmaster at North Java, N. Y., in place of B. A. Marzolf, deceased.

NORTH CAROLINA

Olivia J. Prescott to be postmaster at Ayden, N. C., in place of M. B. Prescott, resigned.

Eula B. Greene to be postmaster at Waterville, N. C. Office became presidential October 1, 1928.

NORTH DAKOTA

Elmer J. Schrag to be postmaster at Alson, N. Dak., in place of M. J. Wipf, deceased.

Doris Pratten to be postmaster at Milton, N. Dak., in place of J. W. Pratton, deceased.

OHIO

Katherine Matson to be postmaster at Maynard, Ohio, in place of L. J. Matson, resigned.

OKLAHOMA

Zeb King to be postmaster at Avant, Okla., in place of I. M. DeMasters. Incumbent's commission expired December 12, 1928.

Viola B. Mason to be postmaster at Quapaw, Okla., in place of E. B. Sellers, deceased.

Clara M. Ingram to be postmaster at Slick, Okla., in place of N. F. Gaylor, resigned.

Sallie M. Cooper to be postmaster at Snomac, Okla. Office became presidential April 1, 1929.

Agnes H. Lockard to be postmaster at Tuskahoma, Okla., in place of J. M. Baggett. Incumbent's commission expired February 17, 1929.

OREGON

Adelle M. March to be postmaster at Myrtle Creek, Oreg., in place of A. M. March. Incumbent's commission expired March 14, 1929.

PENNSYLVANIA

Andrew F. Gutekunst to be postmaster at Ardsley, Pa. Office became presidential July 1, 1927.

Jeremiah H. Fetzer to be postmaster at Coopersburg, Pa., in place of J. H. Fetzer. Incumbent's commission expired February 18, 1929.

SOUTH DAKOTA

Edith K. Hill to be postmaster at Selby, S. Dak., in place of Robert Abel. Incumbent's commission expired February 8, 1928.

TENNESSEE

Rex C. Turman to be postmaster at Waynesboro, Tenn., in place of J. D. Helton. Incumbent's commission expired September 8, 1926.

TEXAS

Cullen E. Wayman to be postmaster at Granger, Tex., in place of J. C. Council, resigned.

Imogene Bacon to be postmaster at Itasca, Tex., in place of W. J. Lewis, resigned.

Jacob E. Early to be postmaster at Stinnett, Tex., in place of D. W. Thurman, resigned.

VIRGINIA

Edgar E. Rawlings to be postmaster at Capron, Va., in place of E. E. Rawlings. Incumbent's commission expired February 24, 1929.

Edward F. Raiford to be postmaster at Holland, Va., in place of I. A. Luke, deceased.

Walter W. Blair to be postmaster at Ivanhoe, Va., in place of E. M. Williams, removed.

Robert W. Grove to be postmaster at Max Meadows, Va., in place of W. W. Hurt, resigned.

WEST VIRGINIA

Alfred L. Davidson to be postmaster at Branchland, W. Va. Office became presidential July 1, 1928.

WISCONSIN

Edward J. Blum to be postmaster at Monticello, Wis., in place of E. J. Blum. Incumbent's commission expired January 10, 1929.

Nellie A. Fahey to be postmaster at Wilson, Wis., in place of L. J. Riley. Incumbent's commission expired February 17, 1929.

WYOMING

James A. Sellar to be postmaster at Kaycee, Wyo., in place of G. F. Seeman, resigned.

CONFIRMATIONS

Nominations confirmed by the Senate May 27 (legislative day of May 16), 1929

GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS

Dwight F. Davis.

SOLICITOR GENERAL

Charles Evans Hughes, jr.

UNITED STATES MARSHAL

James C. Tyler, southern district of Mississippi.

POSTMASTERS

ILLINOIS

Glenn R. Adams, Carpentersville.
John L. Sullivan, Kincaid.
Bruno H. Marschinke, West Chicago.
Edward Walls, Wood River.

KENTUCKY

John F. Hubbard, Ashland.
Ernest E. Warnock, Greenup.
Rex P. Cornelison, Paducah.
Guy M. Crowe, Stanton.

NORTH CAROLINA

Thomas T. Long, Forest City.

NORTH DAKOTA

Worthy Wing, Edmore.

OKLAHOMA

Herbert L. McVay, Altus.
Thomas P. Shira, Dewey.
Orlando J. Bradfield, Lamont.
Susan E. Wright, Morris.

WEST VIRGINIA

Harry F. Cunningham, Grant Town.

HOUSE OF REPRESENTATIVES

MONDAY, *May 27, 1929*

The House met at 12 o'clock noon.

Bishop William F. McDowell, of the Methodist Episcopal Church, offered the following prayer:

Almighty God, our Heavenly Father, we ask Thee so to guide us that the words of our mouths and the meditations of our hearts shall be acceptable to Thee. We ask Thee to help us to fix our minds and our purposes upon the things that are excellent and to make permanent the things that are excellent. And constantly we ask Thee to help us to be making for a better world. We would conserve the things that are good; we would make steadfast the things that are true and right; but we would constantly be going forward in ourselves and in all our relations toward a better day. So to-day whatsoever things are true and honorable and just and pure and lovely and of good report help us to think on these things. For Thy name's sake. Amen.

The Journal of the proceedings of Saturday, May 25, 1929, was read and approved.

SWEARING IN OF A MEMBER

Mr. C. D. SULLIVAN, of New York, appeared at the bar of the House and took the oath of office.

ADDRESS BY HON. MALCOLM C. TARVER, OF GEORGIA

Mr. LUDLOW. Mr. Speaker, last Saturday, May 25, in Indianapolis, Ind., Representative M. C. TARVER, of Georgia, delivered an interesting and notable address on the occasion of the rededication of a monument to 1,616 Confederate soldiers who are buried there. I ask unanimous consent that I may extend my remarks in the RECORD by printing the address delivered by Mr. TARVER on that occasion.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by printing an address recently delivered by the gentleman from Georgia [Mr. TARVER]. Is there objection?

There was no objection.

The speech is as follows:

REDEDICATION OF MONUMENT TO 1,616 CONFEDERATE SOLDIERS WHO DIED AT CAMP MORTON

Mr. Chairman, members of the Southern Club, ladies, and gentlemen, in coming at the request of southern people to deliver an address upon a subject matter which is reverential in its nature to every southern man, woman, and child, I wish to express my pleasure that I come into a State which is a daughter of Virginia. There have been many influences in the last 70 years to dim, if not destroy, the memories of the early days of the Republic in respect of some of their most interesting features, but I am sure Indianans will never forget that great Virginian, who, 150 years ago, at the head of a small band of Kentucky and Virginia frontiersmen, broke the combined British and Indian power by the capture of Fort Sackville, at Vincennes, and eventually made secure the acquisition by the United States of the vast North-

west Territory, out of which six great States have been carved; nor that other native of Virginia, William Henry Harrison, who upon the organization of Indiana Territory in 1800 was appointed its first governor.

In 1783 the State of Virginia ceded to the United States the Northwest Territory, including what is now the State of Indiana. Indiana is, in reality a daughter of Virginia, and, therefore, a daughter of the South. Somewhat in recognition of that bond, and to keep it alive and tangible in the minds of coming generations, it gave me great pleasure last year to give my support to the project fostered by Senator WATSON and Congressman GREENWOOD, of this State, to authorize the appropriation of a million dollars to erect at Vincennes a great memorial to George Rogers Clark and the man who under his leadership won the great territory northwest of the Ohio River for the American Republic.

When I was notified that it was desired I should address you on this occasion, my first thought was that before doing so I should give careful study to historical data with reference to the prison at Camp Morton, and its operation from January, 1862, to August 1, 1865, during which period these men, whose monument we rededicate to-day, died. I sent over to the Congressional Library at Washington and secured a number of books and historical records, dealing not only with Camp Morton but with the general subject of military prisoners during the War between the States. In these volumes I found prison conditions, both North and South, attacked with great vehemence, or warmly defended, depending, it appeared, in large part upon the viewpoint and sympathies of the person who was writing. There were writers who pictured cruelties and hardships at Camp Morton and at other northern prisons rivaling in character the horrors of the Spanish Inquisition; there were others who painted equally gruesome and revolting pictures of the alleged maltreatment of Union soldiers at southern prisons; and there were not lacking those on both sides who, admitting the existence of great hardships, defended the conduct of these prisons as, in the main, as good as might have been had under conditions then existing. My own father who served four years in the war was a prisoner at Rock Island, Ill., and I read everything I had before me in the light of what he had told me with reference to the hardships which he endured, and from whose effects he never fully recovered until the day of his death. The heavy mortality among prisoners on both sides is evidence of the fact that many lives could have been saved had proper facilities existed for their treatment and care. It is also doubtless true that, among those who had charge of prisoners on both sides, there were some men who ought not to have been intrusted with such duties and who did not exhibit those qualities of mercy which we believe should distinguish the conduct of the captor toward his captive.

But while this is true, I always noticed that my father never seemed to harbor any bitterness toward those who were his antagonists and, for a time, his prison wardens. If the hardships he endured left no dregs of wormwood and gall in his breast, then why should I, who did not personally suffer, entertain more unfriendly sentiments?

In spite of much crimination and recrimination that has occurred, and particularly just after the war, it is difficult and illogical to believe that in a people having as much in common in birth, descent, training, and ideals as did the American people at that time, the rift that occurred should have affected on either side those fundamental qualities of manhood and womanhood which have always caused them to be generous and humane. Exceptions to the general rule there may have been and doubtless were on both sides; the stress of deadly conflict may for the time have dethroned in some those noble impulses which were ordinarily their pride and distinction; prejudices and the unbridled passions of fraternal strife may have resulted in incidents which can not now be reverted to by fair-minded people without deep regret; but through it all the heart of America was sound.

So, when I had read the books and records which told of the accusations and counteraccusations which flowed so freely for a number of years after Appomattox, with regard to inhumane treatment of both Confederate and Union prisoners, I sent them back to the library, resolving that a discussion of such issues has no place upon any present-day occasion. The American people to-day look forward and must and will move forward with united purpose. The past will not be forgotten, nor its glories; its self-sacrificing and heroic men and women will continue to inspire us and to make plain our future pathways by the beacon lights of their experience. In the positions which they took on the great issues of their day, in the unflinching bravery with which they maintained those positions, in their records of achievements as Americans, we and our posterity must forever continue to feel the utmost pride. But in the prejudices, the passions, the ill-will, which the conflict of the sixties fanned to fever heat, we have no part. Since that time sons of the South and sons of the North have fought shoulder to shoulder on the battle fields of two great wars, alike eager to sacrifice themselves if need be in the cause of their common country. The World War, to my mind, developed no more beautiful sentiment than this, by George Morrow Mayo:

Here's to the blue of the wind-swept North
When we meet on the fields of France;
May the spirit of Grant be with you all
As the sons of the North advance.

Here's to the gray of the sun-kissed South
When we meet on the fields of France;
May the spirit of Lee be with you all
As the sons of the South advance.

And here's to the blue and the gray as one
When we meet on the fields of France;
May the spirit of God be with us all
As the sons of the flag advance.

And that sentiment reached its culmination at the last session of the Congress when there passed both the House and the Senate without one dissenting vote a bill authorizing the erection at Government expense of markers at unmarked graves of Confederate soldiers. Those who fought under the Stars and Stripes, those who fought for their conception of the rights of their States under the Stars and Bars—each and all of them are sons of Columbia, and she should and will treasure the memory of their valor and their patriotism.

As the son of a Confederate soldier, with five uncles who fought in the Southern army, I yield to no man in the respect and love and veneration which I feel for those who served under the banners of Lee, Jackson, and Johnston and other idolized leaders of the Confederacy. Their deeds of valor in their hopeless struggle against overwhelming odds are unexcelled in the annals of the brave, and dark as the cloud may have been which that conflict brought across the horizon of the South, yet the pages of history can never cease to shine with the glory of their heroism. And the same spirit which bound them to their conception of their duty binds you and me to ours; and that is, that we shall exhibit the same type of loyalty to the principles and ideals of our country and our day.

When I think of these 1,616 Confederate soldiers who lie over here in your city in humble graves I think of the inscription which was placed above the last resting places of the 300 Spartans who held the pass at Thermopylæ against the advancing hosts of Xerxes:

"Stranger, tell it to the Lacedemonians
That we lie here in obedience to their laws."

These men who lie over yonder had no individual quarrel with their brethren of the North; so far as the question of slavery, which was incidentally involved in that struggle, is concerned, I doubt if 10 per cent of them had any interest in slaves. It was with them merely a question of giving all that they had to give in defense of their ideals of government, their conceptions of the rights of their native States, and responding to the call made upon them by those States. In response to that call they left home, mother, sweetheart, and friend, first baring their breasts to the storm of battle and later subjected to the infinitely greater burden of prison confinement and suffering, far from home and kindred, and without the blare of the trumpet, the roar of the cannon, and the huzzas of advancing armies to sustain them in their struggle. In my mind's eye I can see those soldier boys of 65 years ago as they looked southward with tired and hopeless eyes across the palisades that barred them from that bright Dixieland which held for them everything in the world that was worth while. Many of them were mere boys who had never treasured in their hearts animosity against any human being on earth; boys, perhaps, who had left at home bright-eyed southern lassies who expected them to return some time with victory perched on their banners. Many of them had left gray-haired mothers and devoted sisters who rested upon their shoulders their own hopes, dreams, and ambitions. Strangers in a strange land, they pined for the hills, the mountains, the streams, and the valleys which they knew so well.

"There's something in us native to the soil where we belong,
The gentle gift of gladness or the touch of living song.
There's something in us answering in the long result of years,
Responsive to the message of the soil that caught our tears,
That caught our echoed laughter in childhood's far away—
That comes back rushing o'er us, some far time at work or play,
And all the end and answer of the problems where we roam
Is in the dreams remembered of the little spot called home."

And then they died. No beloved father or mother stood by them in their last moments to offer a last parental prayer for their eternal welfare or to gently close their eyes in that sleep that knows no waking. No gentle loved one held their hands. Among surroundings of privation and suffering, corralled with other hopeless men, they died. And it is probable that upon the graves of most of them no loved one has ever had the opportunity to shed a tear or place a flower in their memory.

I said that, like the members of the Spartan guard, they lie here in obedience to law. To what law? To the law which demands that the citizen shall give to the uttermost when called on by those who are in authority over him in the country where he lives. For these boys it

was not even theirs to decide as to the justice of the conflict. That decision was made for them by others. "Theirs not to reason why."

May I suggest that if these boys and hundreds of thousands like them could die for their country, you and I ought to be able to live for ours; and that the call to patriotic service comes to you and me to-day in civil life just as clearly and with quite as much authority as it came to them, to stand by our country and obey its laws. If the President of the United States should issue a call upon the entire citizenry of this country, stating that its protection against a great national danger required at once the active effort of every citizen, where would there be one found claiming to be an American and recognized as such by his neighbors who would refuse to answer the call? And yet not long ago the President of our common country issued a call upon the citizens of the United States to stand for the observance of her laws in order to protect her against great threatened disaster that he pointed out. Who has the right to disobey that call and still think of himself as patriotic? I shall not discuss that question at length; but upon the memorial arch at the Arlington Memorial Amphitheater at Washington, where the names of great American soldiers and sailors are inscribed, appears this inscription:

"When we put on the soldier, we did not lay aside the citizen."

It is a recognition of the fact that, however much honor may be due and may be paid to those who serve their country in time of war, yet the greatest service that any man can render his country is to live the life of a good citizen, to which military duty, when called on, is only an incident. And I lay down the broad proposition which I conceive to be incapable of successful contradiction, that any man who willfully refuses to obey the laws of his country and encourages obedience to her laws is not a good citizen.

The object of this occasion is to honor men who believed with Robert E. Lee, stainless leader of the South, that "duty is the sublimest word in the English language." Their self-sacrifice, their patriotism, their nobility, and the suffering which these qualities led them to endure must neither be forgotten as long as there are sons and daughters of the South who cherish her ideals and traditions; nay, not forgotten as long as there are men and women anywhere who respect the exemplification of true manhood, whether in friend or foe, neighbor or stranger. This monument, erected here by our common country, is a testimonial of veneration from the Nation itself; from those whose forebears opposed these now dead, when they were fighting upon the battle field, as well as those who are descended from their comrades. But the greatest monument of all, and without which piles of stone are of no account, must be the memories of them that we enshrine in our hearts and minds and that we transmit to our children. We are all alike loyal to this great Republic, and the men and women of the South yield to none in the Nation in their patriotic devotion to the Stars and Stripes and all that it represents; but while that is true, they would be unworthy to be American citizens if they did not cherish and keep alive the glory of the story of those who followed the Stars and Bars with just as sublime an exhibition of patriotism as the world was ever privileged to witness.

But in the monument which we keep in our innermost souls there are others who share with these deceased patriots and their comrades our love and reverence; and nowhere should the story of the Confederate soldier and his achievements be told without according an equal place of honor to the women of the South—to the mothers and sisters who stayed at home, surrounded by many dangers, suffering from privation, while husbands and sons and brothers entered upon that long, long trail which led through four years of war and desolation and led finally, in the cases of those about whom we speak particularly to-day, to humble graves in a strange land. A few days ago there was celebrated the five hundredth anniversary of the chief exploit of Joan of Arc.

In our own Capital City there stands a monument to her presented by the citizens of France to the United States; but Joan of Arc, with much of her history shrouded in superstitious myths, could have been nothing more than a maid inspired by a sort of religious fanaticism to lead superstitious men to accomplish things which they could have done as well without her, but to which they were incited by her fervent patriotism and faith. Who thinks that she possessed any military prowess which contributed to the breaking of the siege of Orleans? But the thing which she did possess the women of the South had in full measure. Their faith, their prayers, their willingness to endure everything for their beloved Southland—these are the things which inspired the Confederate soldier and caused him to leave a record upon the pages of history which must always redound to the pride of his posterity. The monument to the Maid of Orleans is in reality a monument to these qualities of patriotic womanhood, possessed in full measure by the women of the Confederacy; and the glory of Joan of Arc must grow dim and fade before we shall cease to carry enshrined in our bosoms the memory of the heroic sacrifice and service of southern womanhood in the War between the States.

There are not living now many of those who were the mothers, wives, or sisters of the soldiers who died at Camp Morton. When I travel back through Tennessee, from which a large part of them came after the capture of Fort Donelson, and through other near-by Southern States, I will probably not see even one of them to whom I could tell the story of having visited the last resting place of her loved one and of the honor paid his memory. But in the places of those devoted women there are others to whom those memories are no less dear. It will be a joy to me to tell them that these dead do not lie in a hostile soil but surrounded by friends; that not only are there children of the South who have made their homes near them, but that all the people who live around them respect them and honor them; that not only has the Government of the Nation itself memorialized them, but that the city of Indianapolis has made a place for their monument in its most beautiful park; nor shall I forget that the placing of that monument here was brought about by a bill which passed the House of Representatives and the Senate of the United States unanimously; and it was signed by a President who came from New England and whose sole question about it before he signed it was, "Is it desired by the Southern people?"

These facts are indicative of the reunion of the people of our great Nation and of the destruction of all sectional antagonisms. Several hundred years ago in England our ancestors contended for many years in the War of the Roses; homes were divided, brethren took up arms against brethren; war and carnage were unbridled; yet how many hundred years has it been since most people of English descent cared whether their ancestors who were in that struggle wore the red rose of Lancaster or the white rose of York? And so the temporary antagonisms that followed the war between the States have in large part passed away and will eventually fade in their entirety; and Americans as a whole will treasure the memories of the heroes on both sides, those who fought under Lee and those who fought under Grant.

"Under the sod and the dew,
Waiting the judgment day,
Under the roses, the blue,
Under the lilies, the gray.

These in the robings of glory,
Those in the gloom of defeat,
All with the battle-blood gory,
In the dusk of eternity meet.

Under the sod and the dew,
Waiting the judgment day,
Love and tears for the blue,
Tears and love for the gray."

And when the moonlight is fair upon the Wabash and upon Indiana cornfields, its beams will shine as well upon those who live in the mountains of Georgia and Tennessee, and will bring to us a message from those among whom our dead lie buried, and our thoughts shall be with them and with you, and our ties of brotherhood and love shall be strengthened. The eternal purposes of God are not served by sectional or other animosities. There is but one army in which he invites men to serve and that is under the snow-white banner of the Prince of Peace.

"He has sounded forth His trumpets which shall never call retreat;
He is sifting out the hearts of men before His judgment seat.
Be quick, my soul, to answer Him; be jubilant, my feet!
For God is marching on."

EXTENSION OF REMARKS

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial from yesterday's Washington Herald.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by printing an editorial from the Washington Herald. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

Mr. McKEOWN. Will the gentleman withhold his objection?

Mr. UNDERHILL. Yes.

Mr. McKEOWN. This is an editorial that does not touch upon politics; it is an editorial upon the value of religion to this country. I think it is one of the most remarkable editorials ever printed and I think it should be extended in the RECORD.

Mr. UNDERHILL. It is a fine thing, but it is an editorial, so I object.

The SPEAKER. Objection is heard.

EXPORT DEBENTURE PLAN

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein a newspaper editorial in answer to the dual question: What is the debenture plan and what will it do for agriculture?

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD by incorporating an editorial. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I object.

Mr. HOWARD. Will the gentleman be kind enough to withhold his objection so that I may make a brief explanation?

Mr. UNDERHILL. Yes.

Mr. HOWARD. My explanation is this, that every paragraph, every sentence, every line, and every word of this editorial was written by one of three Members of this House.

Mr. UNDERHILL. Why divide it?

Mr. HOWARD. Because the triumvirate was greater than the unit.

Mr. UNDERHILL. Will the gentleman be kind enough to give us the names of the three Members?

Mr. HOWARD. I will proudly tell who two of them are and the gentleman may easily estimate the third one. The first of the two is Hon. JOHN C. KETCHAM, of Michigan, the second is Hon. MARVIN JONES, of Texas, and the third your humble servant.

Mr. UNDERHILL. Mr. Speaker I could not have the heart to keep out of the RECORD anything which was uttered by any one of the three gentlemen named.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a newspaper editorial from the Columbus (Nebr.) Daily Telegram of May 20, 1929, on the export debenture.

The editorial is as follows:

[From the Columbus (Nebr.) Daily Telegram, May 20]

EXPORT DEBENTURE PLAN—HOW IT WORKS

What is the "debenture" plan which the Senate has added as an amendment to the farm bill recently passed by the House?

Seems to me that more than 1,000 of my Nebraska folks have recently asked me this question.

I do not feel competent to give to my Nebraska folks a clear and concise answer to the many inquiries about this debenture plan, but I do feel that I know the big thing which the debenture plan is intended to accomplish. That big thing is to take a part of what Uncle Sam collects in tariff duties on manufactured things brought into the United States, and pay to American farmers an export premium on wheat and other surplus farm products shipped from the United States to foreign countries. My own best explanation of the workings of the debenture plan would be about as follows: Let us assume the existence of a surplus of wheat which must be shipped abroad in order to find a market. The exporter, whether he be a farmer or a cooperative association, would receive from the United States Treasury a certificate showing the fact of export, and the amount of such export. This certificate would be known and designated as an "export debenture." It would be accepted by the Government in payment of any tariff tax on any manner of commodity imported to this country from any foreign country. The value of the certificate would be 21 cents for every bushel of wheat exported by American individual farmers or by cooperative marketing associations. It would be negotiable. If the individual farmer or the cooperative marketing association did not want to import foreign goods, using the certificate to pay the import or tariff duty, it could be sold to an importer of jewels or any other commodity from abroad, and the importer could pay the tariff on his imported goods with the certificate at face value. I have used wheat in making this explanation, but the plan would operate in the same manner on all other surplus farm products.

The above is about as clearly as I can explain the debenture plan in my own words. However, I feel that my Nebraska folks are always entitled to the best of everything, and so now it is my purpose to present to them a better explanation of the debenture plan than my own explanation. Where shall I find a better explanation? Well, down here in the House of Representatives two men above all others have made most intelligent study of this debenture plan. On of them is Hon. JOHN C. KETCHAM, of Michigan, and the other is Hon. MARVIN JONES, of Texas. Neither has been guided by political partisan prejudice in making study of the plan. KETCHAM is a Republican and JONES is a Democrat. I shall endeavor to induce both those men to write their own interpretations of the debenture plan in brief, and then present their views to my Nebraska readers. To-day I present the explanation of the debenture plan from the viewpoint of Mr. JONES. To-morrow I shall ask Mr. KETCHAM to give me his own explanation in approximately the same number of words employed by Mr. JONES. I quote now from MARVIN JONES, as follows:

"The purpose of the export premium or debenture plan is to make the tariff system effective on surplus agricultural products.

"No one has ever questioned that the high tariff has certain advantages for the manufacturer, but those advantages are gained by way of increased prices which the people of the whole country must pay for their supplies.

"To illustrate: A 50 per cent tariff is levied on manufactured articles. This keeps the foreigner from shipping such articles into this country. Behind the protection of this tariff wall the manufacturers increase the prices of all these supplies. Of course, it is a good thing for the manufacturer.

"No tariff can give any such great advantage to the basic agricultural commodities. This is true because we produce a surplus of wheat, a surplus of cotton, a surplus of corn, and a surplus of most of the products of the farm. This surplus must seek an outside market.

"At the same time those who produce these surplus commodities must buy their supplies under the increased price of highly protected articles. The cultivator that cost $26 in 1914 cost $65 in 1927 under the high protective policy. The Fordney tariff covered all the component parts that went into the making of the cultivator. The grain binder that cost $150 in 1914 cost $275 in 1927, with similar increases for farm machinery generally. The price of aluminum ware, cutlery, clothing, etc., materially advanced. These increases the farmer had to pay.

"The Government collects $600,000,000 a year in tariff duties on articles brought into this country. Behind this protection the manufacturers collect in increased prices between three and four billion dollars from the American consumer.

"The effect of the debenture plan would be to take a part of the money collected by the Government on goods brought into this country and pay an export premium or bounty on farm commodities shipped out of this country. Technically, the export premium or debenture would be paid only to the farmer, cooperative organization, or exporter who ships goods out of the country, but actually it would increase the price of every bushel of wheat, every bushel of corn, and every bale of cotton grown in this country in a sum equal to the amount of such premium or certificate. This is true in Germany, in Czechoslovakia, and in Sweden, where the plan is in operation. Doctor Grunzell, a noted economist, said that within 24 hours the price of the entire domestic commodity was increased practically by an amount equal to the premium or debenture.

"So much for the plan. How about its actual results? It would mean 21 cents a bushel increase in the price on wheat, or $160,000,000 by way of increased prices to the wheat growers of the United States. Similar advantages would accrue to other crops.

"This would not be a subsidy to the farmer, but would be merely restoring to him what is now taken away from him by force of law in the form of increased prices on tariff-laden articles.

"Since the farmer, because of the tariff, must pay an increased price for the articles he buys, is it unfair to furnish him a correspondingly increased price tied onto the same system for the commodities he has for sale? If so, what becomes of the doctrine of equal rights to all? The debenture plan would give the farmer at least a part of that equality which has been the slogan of the whole farm movement for years."

Thus far in this article I have refrained from employing any argument of my own for or against the debenture plan, my immediate object being to give the best possible information as to what the debenture plan really means and how it would work if it shall be enacted into law. In a later article I shall submit my own personal views as to the legislation, with my own estimate of its value to our Middle West people.

The legislative situation as to farm legislation here in Washington at this hour is about like this: The House passed a "farm relief" bill and sent it to the Senate. The Senate gave one look at the House bill, discovered that it was very largely a new scheme to loan the farmer more money, and then decided to do something to give agriculture some different kind of relief. Most all the Senators from the Middle West country thought the debenture plan would give agriculture the only chance in the world to get some benefit from the tariff, and that is what they now claim the debenture plan will do. Now, the bill will come back to the House carrying the Senate debenture-plan amendment. The House will either accept the amended bill or put the bill as amended into the hands of a conference committee of Senators and Representatives. If the conferees can agree upon a compromise of some sort, the bill will be quickly enacted into law. If the conferees shall not be able to agree, well, that will mean a deadlock between the two Houses, with the possible result of no farm legislation at all during this extra session of the Congress.

I rather believe that if the House shall be given opportunity to vote directly upon the bill as amended by the Senate I shall vote in favor of the amended bill. I have not given it as close study as it deserves, but I am beginning to believe that it offers at least a chance for agriculture to pick up a few crumbs from under the tariff table, and that will be better than nothing. And nothing is the very best agriculture has heretofore picked up from under any tariff table.

EDGAR HOWARD.

[From the Columbus (Nebr.) Daily Telegram, May 23]

VIEWS OF HON. JOHN C. KETCHAM, OF MICHIGAN

A few days ago I wrote for Telegram readers my own interpretation of the so-called "debenture" plan which the Senate has tacked onto the House farm bill as an amendment. At that time I also presented the views of Hon. MARVIN JONES, of Texas, he having been long an advocate of the debenture plan. In order to present the problem free from the taint of political partisan bias I promised also to present in a few days the views of Hon. JOHN KETCHAM, of Michigan. These two

men know more than any others in Washington about this debenture plan. JONES is a Democrat and KETCHAM is a Republican, but on this subject neither one speaks or writes as a partisan. Having given last Monday to Telegram readers the statement of Mr. JONES in answer to two questions—What is the debenture plan, and, What will it do for agriculture—I now present the views of Mr. KETCHAM, as follows:

"Current newspaper and platform discussions of the export-debenture plan as a measure of farm relief indicates a great deal of doubt and uncertainty as to what an export debenture really is. It may help somewhat to substitute 'certificate' for 'debenture,' and speak of the export-debenture plan as the 'export-certificate plan.' Under such a plan the Secretary of the Treasury would issue export certificates to exporters of surplus farm commodities. These certificates would represent the difference between the cost of production here and abroad, would be negotiable and good for their face value in payment of import duties on any foreign goods coming into the United States.

"To illustrate: If the Nebraska Wheat Growers' Association should sell 10,000 bushels of wheat at Liverpool the Secretary of the Treasury would issue to this association an export certificate for $4,200, granting that 42 cents, the present tariff rate, should be found to represent the difference in the cost of production here and abroad. If the world price on wheat should be $1 per bushel the association would receive $10,000, plus the Treasury export certificate for $4,200, or a total of $14,200. In order to realize on the certificate, however, the association would have to use it in payment of duties on goods it was importing, or what is more likely, dispose of it at a slight discount to some big importer.

"The net result, however, would be to bring to the Nebraska Wheat Growers' Association the world price of wheat, plus the tariff; or, in other words, to make the tariff effective on this crop of which we produce an exportable surplus.

"Equality for agriculture has become more than a catch phrase or party slogan. It represents the predominating thought of the entire country. Our people generally realize that we are committed to higher standards of living, and consequently to a higher-price structure. They know that this price structure has been made possible by such legislative devices as protective tariffs, immigration restriction, railroad rate legislation, exclusive patents and tariff rebates.

"Accepting the higher-price structure as a definite policy the National Grange, representing a very large and conservative body of farm opinion, has championed the export debenture, or certificate plan, as a means of placing agriculture on terms of equality in this price structure, with particular reference to the farm crops of which we produce an exportable surplus.

"Equality for agriculture might be accomplished by repealing the various legislative enactments by which this higher-price structure has been built up, but this would be a destructive, rather than a constructive policy, and conservative farm folks are not given to the destructive attitude.

"The export debenture or certificate plan is, therefore, deemed to be a recognized supplement to the protective tariff system, to which the United States and most other nations are committed. Its adoption would put the farmer completely in the tariff picture, and would definitely establish him upon a basis of equality with industry and commercial enterprise."

I am grateful to Messrs. JONES and KETCHAM for the privilege of being permitted to carry to my home people their views on this pending piece of legislation, regarding them, as I do, the two best-posted men in the United States on this subject. It will be noticed that both Mr. JONES and Mr. KETCHAM agree that the real meaning of the debenture plan will be to give to agriculture a governmental favor it has never heretofore enjoyed—the favor of receiving his share of the benefits of our protective tariff system by putting the farmer, as Mr. KETCHAM naively says, "completely in the tariff picture"—a picture from which he has hitherto been conspicuous because of his absence.

EDGAR HOWARD.

THE AVIATION ACHIEVEMENT OF ROBBINS AND KELLY

Mr. GARNER. Mr. Speaker, I want to ask the indulgence of the gentleman from Oregon for a moment. My colleague from Texas [Mr. LEE] would like to have 10 minutes in which to speak concerning the great performance of one of his constituents in Texas in the matter of staying in the air longer than any other person in the world up to this time. I ask unanimous consent that he may proceed for 10 minutes at this time. As a gracious offering to this side of the House and in the interest of the science of flying, I ask that my colleague may relate the facts connected with this matter.

Mr. HAWLEY. Did the gentleman safely come back to the ground?

Mr. GARNER. He did, and my colleague will do likewise.

Mr. HAWLEY. If this means that the gentleman from Texas, as well as his associates, are coming back to the ground out of the air I have no objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEE of Texas. Mr. Speaker and Members of the House, when I came to Washington as a new Member of the Seventy-first Congress, I came with the thought that a new Member should be as the child in the home when visitors are present, seen and not heard, and if it were not for an unusual occurrence in my home State I would not, at this time, be asking for the privilege of speaking.

Our Government has been and is spending millions of dollars for aviation. I have no objection to this. I believe that if we shall ever be engaged in another war that it will be fought very largely from the air, and I believe in being prepared for such an emergency.

Down in my State, or to be more specific, at Fort Worth, Tex., at 11.33 a. m. Sunday, May 19, two flyers undertook to defeat the world endurance record made by the Army plane, the *Question Mark*. These two young men were practically unknown. Being without money and without friends who were willing to furnish the money they were unable to buy a new plane so bought and reconditioned an old plane that had been flown 50,000 miles, and started on this endurance test in this old plane, having themselves replaced worn parts with new parts. In order to defeat this world record it was necessary for them to stay in the air until Saturday, May 25, at 7.13 p. m. You will note that this time was one hour longer than the time the *Question Mark* was in the air, but was agreed on between the flyers and the judges so that there would be no controversy as to time. As you no doubt have seen in the press reports, they were in the air and going good at the end of the required time to defeat the previous record. They continued in the air until 4.05 o'clock Sunday afternoon, May 26, thereby setting a new world's record of 172 hours, 32 minutes, and 1 second. They had to come down on account of a damaged propellor caused by a terriffic storm in that section Saturday afternoon.

Mr. Speaker, I am sure in reading the report of this wonderful achievement that many will be inclined to say that these reports are all a myth. I do not know Mr. Robbins personally, but my information is that he was a country boy in the small village of Everman, Tarrant County, some 15 miles distant from Fort Worth. Young Robbins, being of a mechanical turn of mind, went to Fort Worth and got work as a mechanic's apprentice in a railroad shop; from the railroad shop he went into an automobile shop as a mechanic; and it was from this automobile shop that he became interested in aviation, buying an old, dilapidated plane, reconditioning it himself, and in it he learned to fly. He calls himself a self-taught flier.

As to young Kelly, I have known him personally all his life. His father at one time was foreman on my own ranch when the young man was a very small child. I know that he had spent his life on the farm and ranch, and only a year ago he went to Fort Worth and entered a flying school there. He proved to be wonderfully proficient as a student flier and as an airplane mechanic. In April of this year he was granted a pilot's license as a flier, and it seems that at about that time young Robbins had decided to undertake to defeat the world's endurance flight record, and in looking for a mate he chose young Kelly. After agreeing to undertake the flight the two young men remodeled an old Ryan monoplane for the flight, and, as said before, started this flight on Sunday, May 19.

May I add that on Saturday afternoon, May 25, Capt. Ira Eaker, who was chief pilot of the *Question Mark*, was on the ground watching the boys, and sent a note to them predicting that they would stay in the air 10 days, and said:

When I passed through here Monday I wished you luck, and no one wishes more than I to see you break the record. Ride that old *J–5* until there is not a revolution left in her.

Captain Eaker happens to be a resident of my own congressional district, and this spirit of his is not only the spirit of a Texan but is the spirit of a real American. [Applause.]

Lady Mary Heath, noted British flier, has also been watching this endurance flight and was present when the boys came down Sunday afternoon.

Mr. Speaker, being a new Member I am not familiar with the rules of the House. I do not know in matters of this kind what the House can do or can not do, but if it is within the province of the House I would ask the unanimous consent of the House that through the Speaker the House send a telegram congratulating and commending these young men for their wonderful endurance, courage, and their contribution to aviation. [Applause.]

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the RECORD. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. Mr. Speaker, there was a unanimous-consent request incorporated in the remarks of the gentleman from Texas [Mr. LEE], asking that the Speaker send a telegram of congratulation to these young men on their successful flight.

The SPEAKER. Without objection, the Chair will be very pleased to do so.

There was no objection.

The telegram referred to follows:

MAY 27, 1929.

Messrs. R. L. ROBBINS and JAMES KELLY,
Meacham Field, Fort Worth, Tex.:

On request of Hon. R. Q. LEE, of Texas, the House of Representatives, by unanimous consent, has requested me to send our congratulations to you for your courage, endurance, and contribution to aviation. May I also add my personal congratulations?

NICHOLAS LONGWORTH,
Speaker House of Representatives.

PROPOSED MOTION TO RECOMMIT THE TARIFF BILL

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting, for the information of the House, a proposed motion to recommit the tariff bill. I do not know that this will contain the exact provisions I shall hope to offer in a motion to recommit, but I want to insert it in the RECORD at this place, in the regular RECORD type, so that the membership may have an opportunity to glance at it to-morrow and know what they will have the opportunity of voting on when the bill reaches the motion to recommit stage.

Mr. CROWTHER. Reserving the right to object, will the gentleman yield to me?

Mr. GARNER. Yes; certainly.

Mr. CROWTHER. Is the gentleman against this bill?

Mr. GARNER. Well, the gentleman may be against this bill. He at least has the right to make a motion to recommit if he qualifies.

Mr. CROWTHER. I just wanted to know—that is all. [Laughter.]

Mr. GARNER. The gentleman will find out about that.

Mr. CROWTHER. Of course, I am not surprised.

Mr. GARNER. I did not want to surprise the gentleman. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. GARNER]?

There was no objection.

The matter referred to follows:

Mr. GARNER moves to recommit the bill H. R. 2667 to the Committee on Ways and Means with instructions to that committee to report the bill with the following amendments:

(1) On page 268, beginning with line 16, strike out (what is known as Part II, United States Tariff Commission) down to and including line 25, on page 294, which reads as follows:

"PART II—UNITED STATES TARIFF COMMISSION

"SEC. 330. ORGANIZATION OF THE COMMISSION.

"(a) MEMBERSHIP.—The United States Tariff Commission (referred to in this title as the "commission") shall be composed of seven commissioners to be hereafter appointed by the President, by and with the advice and consent of the Senate, but each member now in office shall continue to serve until his successor (as designated by the President at the time of nomination) takes office. No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of tariff problems and efficiency in administering the provisions of Part II of this title.

"(b) TERMS OF OFFICE.—Terms of office of the commissioners first taking office after the date of the enactment of this act shall expire, as designated by the President at the time of nomination, one at the end of each of the first seven years after the date of the enactment of this act. The term of office of a successor to any such commissioner shall expire seven years from the date of the expiration of the term for which his predecessor was appointed, except that any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) CHAIRMAN, VICE CHAIRMAN, AND SALARY.—The President shall annually designate one of the commissioners as chairman and one as vice chairman of the commission. The vice chairman shall act as chairman in case of the absence or disability of the chairman. A majority of the commissioners in office shall constitute a quorum, but the commission may function notwithstanding vacancies. Each commissioner (including members in office on the date of the enactment of this act) shall receive a salary of $12,000 a year. No commissioner shall actively engage in any other business, vocation, or employment than that of serving as a commissioner.

"SEC. 331. GENERAL POWERS.

"(a) PERSONNEL.—The commission shall appoint a secretary, who shall receive a salary of $7,500 per year, and shall have authority to employ and fix the compensations of such special experts, examiners, clerks, and other employees as the commission may from time to time find necessary for the proper performance of its duties.

"(b) APPLICATION OF CIVIL SERVICE LAW.—With the exception of the secretary, a clerk to each commissioner, and such special experts as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law.

"(c) EXPENSES.—All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other places than at their respective headquarters, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

"(d) OFFICES AND SUPPLIES.—Unless otherwise provided by law, the commission may rent suitable offices for its use, and purchase such furniture, equipment, and supplies as may be necessary.

"(e) PRINCIPAL OFFICE AT WASHINGTON.—The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States or in any foreign country.

"(f) OFFICE AT NEW YORK.—The commission is authorized to establish and maintain an office at the port of New York for the purpose of directing or carrying on any investigation, receiving and compiling statistics, selecting, describing, and filing samples of articles, and performing any of the duties or exercising any of the powers imposed upon it by law.

"(g) OFFICIAL SEAL.—The commission is authorized to adopt an official seal, which shall be judicially noticed.

"SEC. 332. INVESTIGATIONS.

"(a) INVESTIGATIONS AND REPORTS.—It shall be the duty of the commission to investigate the administration and fiscal and industrial effects of the customs laws of this country now in force or which may be hereafter enacted, the relations between the rates of duty on raw materials and finished or partly finished products, the effects of ad valorem and specific duties and of compound specific and ad valorem duties, all questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs laws, and, in general, to investigate the operation of customs laws, including their relation to the Federal revenues, their effect upon the industries and labor of the country, and to submit reports of its investigations as hereafter provided.

"(b) INVESTIGATIONS OF TARIFF RELATIONS.—The commission shall have power to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, economic alliances, the effect of export bounties and preferential transportation rates, the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production.

"(c) INVESTIGATION OF PARIS ECONOMY PACT.—The commission shall have power to investigate the Paris economy pact and similar organizations and arrangements in Europe.

"(d) INFORMATION FOR PRESIDENT AND CONGRESS.—In order that the President and the Congress may secure information and assistance, it shall be the duty of the commission to—

"(1) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of the United States of articles of the United States, whenever in the opinion of the commission it is practicable;

"(2) Ascertain conversion costs and costs of production in the principal growing, producing, or manufacturing centers of foreign countries of articles imported into the United States, whenever in the opinion of the commission such conversion costs or costs of production are necessary for comparison with conversion costs or costs of production in the United States and can be reasonably ascertained;

"(3) Select and describe articles which are representative of the classes or kinds of articles imported into the United States and which are similar to or comparable with articles of the United States; select and describe articles of the United States similar to or comparable with such imported articles; and obtain and file samples of articles so selected, whenever the commission deems it advisable;

"(4) Ascertain import costs of such representative articles so selected;

"(5) Ascertain the grower's, producer's, or manufacturer's selling prices in the principal growing, producing, or manufacturing centers of the United States of the articles of the United States so selected; and

"(6) Ascertain all other facts which will show the differences in or which affect competition between articles of the United States and imported articles in the principal markets of the United States.

"(e) DEFINITIONS.—When used in this subdivision and in subdivision (d)—

"(1) The term 'article' includes any commodity, whether grown, produced, fabricated, manipulated, or manufactured;

"(2) The term 'import cost' means the price at which an article is freely offered for sale in the ordinary course of trade in the usual wholesale quantities for exportation to the United States plus, when not included in such price, all necessary expenses, exclusive of customs duties, of bringing such imported article to the United States.

"(f) REPORTS TO PRESIDENT AND CONGRESS.—The commission shall put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at its command, and shall make such investigations and reports as may be requested by the President or by either of said committees or by either branch of the Congress, and shall report to Congress on the first Monday of December of each year hereafter a statement of the methods adopted and all expenses incurred, and a summary of all reports made during the year.

"SEC. 333. TESTIMONY AND PRODUCTION OF PAPERS.

"(a) AUTHORITY TO OBTAIN INFORMATION.—For the purposes of carrying Part II of this title into effect the commission or its duly authorized agent or agents shall have access to and the right to copy any document, paper, or record pertinent to the subject matter under investigation in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, and shall have power to summon witnesses, take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation. Any member of the commission may sign subpœnas, and members and agents of the commission, when authorized by the commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

"(b) WITNESSES AND EVIDENCE.—Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And in case of disobedience to a subpœna the commission may invoke the aid of any district or Territorial court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(c) MANDAMUS.—Upon the application of the Attorney General of the United States, at the request of the commission, any such court shall have jurisdiction to issue writs of mandamus commanding compliance with the provisions of Part II of this title or any order of the commission made in pursuance thereof.

"(d) DEPOSITIONS.—The commission may order testimony to be taken by deposition in any proceeding or investigation pending under Part II of this title at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person, firm, copartnership, corporation, or association may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission, as hereinbefore provided.

"(e) FEES AND MILEAGE OF WITNESSES.—Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same, except employees of the commission, shall severally be entitled to the same fees and mileage as are paid for like services in the courts of the United States: *Provided*, That no person shall be excused, on the ground that it may tend to incriminate him or subject him to a penalty or forfeiture, from attending and testifying, or producing books, papers, documents, and other evidence, in obedience to the subpœna of the commission; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may so testify or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"(f) STATEMENTS UNDER OATH.—The commission is authorized, in order to ascertain any facts required by subdivision (d) of section 332, to require any importer and any American grower, producer, manufacturer, or seller to file with the commission a statement, under oath, giving his selling prices in the United States of any article imported, grown, produced, fabricated, manipulated, or manufactured by him.

"SEC. 334. COOPERATION WITH OTHER AGENCIES.

"The commission shall in appropriate matters act in conjunction and cooperation with the Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments, or independent establishments of the Government, and such departments and independent establishments of the Government shall cooperate fully with the commission for the purposes of aiding and assisting in its work, and, when directed by the President, shall furnish to the commission, on its request, all records, papers, and information in their possession relating to any of the subjects of investigation by the commission and shall detail, from time to time, such officials and employees to said commission as he may direct.

"SEC. 335. PENALTY FOR DISCLOSURE OF TRADE SECRETS.

"It shall be unlawful for any member of the commission, or for any employee, agent, or clerk of the commission, or any other officer or employee of the United States, to divulge, or to make known in any manner whatever not provided for by law, to any person, the trade secrets or processes of any person, firm, copartnership, corporation, or association embraced in any examination or investigation conducted by the commission, or by order of the commission, or by order of any member thereof. Any offense against the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, in the discretion of the court, and such offender shall also be dismissed from office or discharged from employment.

"SEC. 336. EQUALIZATION OF COMPETITIVE CONDITIONS.

"(a) CHANGE OF CLASSIFICATION OR DUTIES.—In order to put into force and effect the policy of Congress by this act intended, the President shall investigate the differences in conditions of competition in the principal market or markets of the United States between domestic articles and like or similar competitive imported articles. If the President finds it thereby shown that the duties expressly fixed by statute do not equalize the differences in such conditions of competition in the principal market of the United States between a domestic article and a like or similar competitive article imported from the principal competing country, he shall proclaim such changes in classification or such increases or decreases in rates of duty expressly fixed by statute, as in his judgment are shown by an investigation to be necessary to equalize such differences. In no case shall the total increase or decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute.

"(b) CHANGE TO AMERICAN SELLING PRICE.—If the President finds, upon any such investigation, that such differences can not be equalized by proceeding as hereinbefore provided, he shall make such findings public, together with a description of the articles to which they apply, in such detail as may be necessary for the guidance of appraising officers, and shall proclaim that the ad valorem rate of duty or rates of duty based in whole or in part upon the value of the like or similar competitive imported article in the country of exportation shall thereafter be based upon the American selling price (as defined in subdivision (g) of section 402 of this act) of the domestic article. The President shall further proclaim such ad valorem rate or rates of duty based upon such American selling price as in his judgment are shown by an investigation to be necessary to equalize such differences. In no case shall the total decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute, and no such rate shall be increased.

"(c) EFFECTIVE DATE OF PROCLAMATION.—Thirty days after the date of any proclamation under this section the changes in classification or basis of value provided therein shall take effect, and the increased or decreased duties provided therein shall be levied, collected, and paid on the articles specified therein when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila).

"(d) ASCERTAINMENT OF DIFFERENCES IN CONDITIONS OF COMPETITION.—In ascertaining the differences in conditions of competition between domestic articles and like or similar competitive imported articles in the principal market of the United States, the President shall take into consideration, in so far as he finds it practicable and applicable:

"(1) Costs of production of the domestic article, or the price at which such article is freely offered for sale to all purchasers in the principal market of the United States, in the ordinary course of trade and in the usual wholesale quantities in such market; and

"(2) Costs of production of the imported article, or the price or value set forth in its invoice, or its import cost as defined in subdivision (e) of section 332; and

"(3) Other costs of the domestic article and of the imported article (in so far as not considered under paragraph (1) or (2)), including (A) the cost of all containers and coverings of whatever nature and other charges and expenses incident to placing the article in condition packed ready for delivery, and (B) costs of transportation; and

"(4) Advantages granted to a foreign producer by a government, person, partnership, corporation, or association in a foreign country.

"(e) INVESTIGATIONS BY COMMISSION.—Investigations to assist the President in ascertaining differences in conditions of competition under

this section shall be made by the commission, and no proclamation shall be issued under this section until such investigation shall have been made. The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard. The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

"(f) MODIFICATION OF PROCLAMATION.—The President, proceeding as hereinbefore provided for in proclaiming changes in rates of duty, in classification, or in the basis of value, shall, when he determines that it is shown that the differences in conditions of competition which led to such proclamation have changed or no longer exist, modify or terminate the proclamation accordingly. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act, or in any amendatory act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provisions of this section upon such articles shall exceed the maximum ad valorem rate so specified.

"(g) DEFINITIONS.—For the purposes of this section—

"(1) The term 'domestic article' means an article wholly or in part the growth or product of the United States; and the term 'imported article' means an article imported into the United States and wholly or in part the growth or product of a foreign country.

"(2) An imported article shall be considered like or similar to and competitive with a domestic article if the imported article is of the same class or kind as the domestic article and accomplishes results substantially equal to those accomplished by the domestic article when used in substantially the same manner and for substantially the same purpose.

"(3) In determining the principal competing country with respect to any imported article the President shall take into consideration the quantity, value, and quality of the article imported from each competing country and any other differences in the conditions under which the article imported from each such country competes with the domestic article. A determination by the President as to the principal competing country shall be final.

"(4) The term 'United States' includes the several States and Territories and the District of Columbia.

"(5) The term 'foreign country' means any empire, country, dominion, colony, or protectorate, or any subdivision or subdivisions thereof (other than the United States and its possessions).

"(6) The term "costs of production," when applied with respect to either a domestic article or an imported article, includes for a period which is representative of conditions in production of the article: (A) The price or cost of materials, labor costs, and other direct charges incurred in the production of the article and in the processes or methods employed in its production; (B) the usual general expenses, including charges for depreciation or depletion which are representative of the equipment and property employed in the production of the article and charges for rent or interest which are representative of the cost of obtaining capital or instruments of production; (C) the cost of containers and coverings of whatever nature, and other costs, charges, and expenses incident to placing the article in condition packed ready for delivery; and (D) such other factors as the President may deem applicable.

"(h) RULES AND REGULATIONS OF PRESIDENT.—The President is authorized to make all needful rules and regulations for carrying out the provisions of this section.

"(i) RULES AND REGULATIONS OF SECRETARY OF TREASURY.—The Secretary of the Treasury is authorized to make such rules and regulations as he may deem necessary for the entry and declaration of imported articles of the class or kind of articles upon which the President has made a proclamation under the provisions of subdivision (b) of this section and for the form of invoice required at time of entry.

"(j) INVESTIGATIONS PRIOR TO ENACTMENT OF ACT.—All uncompleted investigations instituted prior to the approval of this act under the provisions of section 315 of the tariff act of 1922, including investigations in which the President has not proclaimed changes in classification or increases or decreases in rates of duty, shall be dismissed without prejudice, but the information and evidence secured by the commission in any such investigation may be given due consideration in any investigation instituted under the provisions of this section.

"SEC. 337. UNFAIR PRACTICES IN IMPORT TRADE.

"(a) UNFAIR METHODS OF COMPETITION DECLARED UNLAWFUL.—Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful, and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

"(b) INVESTIGATIONS OF VIOLATIONS BY COMMISSION.—To assist the President in making any decisions under this section, the commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative.

"(c) HEARINGS AND REVIEW.—The commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and, when deemed proper by the commission, such rehearing, with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation. The testimony in every such investigation shall be reduced to writing, and a transcript thereof, with the findings and recommendation of the commission, shall be the official record of the proceedings and findings in the case; and in any case where the findings in such investigation show a violation of this section, a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such articles. Such findings, if supported by evidence, shall be conclusive, except that a rehearing may be granted by the commission, and except that, within such time after said findings are made, and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a question or questions of law only to the United States Court of Customs and Patent Appeals by the importer or consignee of such articles. If it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, said court may order such additional evidence to be taken before the commission in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by evidence, shall be conclusive as to the facts, except that within such time and in such manner an appeal may be taken as aforesaid upon a question or questions of law only. The judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs and Patent Appeals.

"(d) TRANSMISSION OF FINDINGS TO PRESIDENT.—The final findings of the commission shall be transmitted with the record to the President.

"(e) EXCLUSION OF ARTICLES FROM ENTRY.—Whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall direct that the articles concerned in such unfair methods or acts, imported by any person violating the provisions of this act, shall be excluded from entry into the United States, and upon information of such action by the President the Secretary of the Treasury shall, through the proper officers, refuse such entry. The decision of the President shall be conclusive.

"(f) ENTRY UNDER BOND.—Whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section, but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed: *Provided*, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate.

"(g) CONTINUANCE OF EXCLUSION.—Any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to such refusal of entry no longer exist.

SEC. 338. DISCRIMINATION BY FOREIGN COUNTRIES.

"(a) ADDITIONAL DUTIES.—The President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of, or imported in a vessel of, any foreign country whenever he shall find as a fact that such country—

"(1) Imposes, directly or indirectly, upon the disposition in or transportation in transit through or reexportation from such country of any article wholly or in part the growth or product of the United States any unreasonable charge, exaction, regulation, or limitation which is not equally enforced upon the like articles of every foreign country; or

"(2) Discriminates in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country.

"(b) EXCLUSION FROM IMPORTATION.—If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section, maintained or increased its said discriminations against the

commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country or such articles imported in its vessels as he shall deem consistent with the public interests shall be excluded from importation into the United States.

"(c) APPLICATION OF PROCLAMATION.—Any proclamation issued by the President under the authority of this section shall, if he deems it consistent with the interests of the United States, extend to the whole of any foreign country or may be confined to any subdivision or subdivisions thereof; and the President shall, whenever he deems the public interests require, suspend, revoke, supplement, or amend any such proclamation.

"(d) DUTIES TO OFFSET COMMERCIAL DISADVANTAGES.—Whenever the President shall find as a fact that any foreign country places any burden or disadvantage upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burden or disadvantage, not to exceed 50 per cent ad valorem or its equivalent, on any products of, or on articles imported in a vessel of, such foreign country; and 30 days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

"(e) DUTIES TO OFFSET BENEFITS TO THIRD COUNTRY.—Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 per cent ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles; and on and after 30 days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles.

"(f) FORFEITURE OF ARTICLES.—All articles imported contrary to the provisions of this section shall be forfeited to the United States and shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as may from time to time be established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws. Whenever the provisions of this act shall be applicable to importations into the United States of articles wholly or in part the growth or product of any foreign country, they shall be applicable thereto whether such articles are imported directly or indirectly.

"(g) ASCERTAINMENT BY COMMISSION OF DISCRIMINATIONS.—It shall be the duty of the commission to ascertain and at all times to be informed whether any of the discriminations against the commerce of the United States enumerated in subdivisions (a), (b), and (e) of this section are practiced by any country; and if and when such discriminatory acts are disclosed, it shall be the duty of the commission to bring the matter to the attention of the President, together with recommendations.

"(h) RULES AND REGULATIONS OF SECRETARY OF TREASURY.—The Secretary of the Treasury with the approval of the President shall make such rules and regulations as are necessary for the execution of such proclamations as the President may issue in accordance with the provisions of this section.

"(i) DEFINITION.—When used in this section the term 'foreign country' shall mean any territory foreign to the United States within which separate tariff rates or separate regulations of commerce are enforced.

"SEC. 339. REENACTMENT OF EXISTING LAW.

"Sections 330 to 338, inclusive, shall be construed as a reenactment of sections 700 to 709, inclusive, of the revenue act of 1916 and of sections 315 to 318, inclusive, of the tariff act of 1922, in so far as not inconsistent therewith."

And amend by providing a bipartisan fact-finding tariff commission to be under the control of Congress;

(2) On pages 296 to 302, inclusive, strike out all of section 402, and insert in lieu thereof the language of section 402 of the tariff act of 1922;

(3) Amend by adjusting rates in all schedules so that the duties shall not exceed the actual difference between the cost of production in the United States and abroad.

THE TARIFF BILL

The SPEAKER. Under the rule, the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2667, and the gentleman from Michigan, Mr. MICHENER, will kindly take the chair.

The Clerk read the title of the bill.

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. HAWLEY: Page 124, line 9, strike out the figures "25" and insert in lieu thereof "40."

Mr. HAWLEY. Mr. Chairman, this relates to canned tomatoes and tomato paste. In the existing law, tomatoes, canned, bear a duty of 15 per cent and tomato paste a duty of 40 per cent. As originally reported both were to have a duty of 35 per cent, but upon reexamination and subsequent submission of additional evidence we are agreed upon making them both 40 per cent.

Mr. GARNER. Mr. Chairman, I move to strike out the last word.

I do not propose to oppose this amendment, however, because it is in the interest of the tomato growers, as I understand it, and I am very much in sympathy with them.

May I speak out of order on this amendment and speak generally, touching the bill, and especially concerning a motion to recommit. I would like to explain the proposed motion, if I can, for 5 or 10 minutes, so that you may understand the reasons that prompt me in proposing these amendments and that you may have an opportunity, on the Democratic side as well as on the Republican side, if you see proper, to suggest any reasons why I should not offer this particular motion to recommit or why it would be better to offer some other motion to recommit.

In brief, the motion will contain three things. It will strike out the Tariff Commission as proposed in the present bill and restore in its place a fact-finding commission under the control of the House of Representatives and the Senate. It will restore to the courts the right to review the question of valuation, which is taken away in this bill and lodged in the Treasury Department. It will restore to the bill the language with respect to the Customs Court that exists in the law instead of a board of appraisers as proposed in this bill.

I think you are all familiar with the first proposition, what is known as the flexible clause of the bill. You are all probably familiar with the second proposition, where they undertake to take away from the courts the right to review any complaint that a citizen has concerning the valuation of the property imported, and the third matter you are also familiar with because the gentleman from Iowa explained it thoroughly to the House, and he made a statement that I am sorry to say reflects upon the committee drawing this bill.

The gentleman from Iowa made two very significant statements when he was occupying the floor of the House.

In referring to one provision of the bill in the chemical schedule the gentleman remarked: "The first joker in this bill is so-and-so." How many more jokers are contained in the bill he never had the opportunity or the time to enumerate.

But he did call our attention to the fact that the first joker in the bill was contained in the first schedule. He also said that the provision doing away with the courts and referring them back as tariff appraisers or board of appraisers was prompted by animus. I do not know what he meant by that; that is not a good word to use in legislation as a reason for a change of law or putting into the statute certain provisions.

Surely, Mr. HAWLEY, you and your associates did not abolish this court and change it from a court to a board of appraisers because you disliked the personnel of the court or because you disliked its decisions; that would not be defendable. I do not know why you changed it back to appraisers. No explanation has been given; it has not been referred to on the floor of the House except by the gentleman from Iowa, who said that he opposed the provision and that it was prompted by animus.

Mr. HAWLEY, you voted for it, and you owe it to your committee and you owe it to yourself to tell the House why you

changed it and whether or not animus prompted the change. You voted for it when it passed the House and you voted to change it from court to the appraisers. Why have you changed?

I am going to undertake to restore it where the House placed it by virtually a unanimous vote.

Now, we are taking away the right of retirement, all the rights that Congress gave that body of nine men, because of what? You dislike one of the members, you dislike some of its decisions? What prompted you to change that; why can not you now offer an amendment putting it back where it is in the present law?

Mr. LAGUARDIA. Mr. Chairman, I offer the amendment I send to the desk.

Mr. HAWLEY. Mr. Chairman, if the gentleman from New York will yield, all I can say at the present time in answer to the remarks of the gentleman from Texas is that the matter of the Customs Court is being reconsidered and an amendment may be reported by the committee to-morrow. [Applause.]

Mr. CRAMTON. Will the gentleman yield?

Mr. HAWLEY. I have not the floor.

Mr. LAGUARDIA. I yield.

Mr. CRAMTON. Just for a brief question. I suppose the committee is considering the question whether the judges who have been appointed to the Customs Court and given the right of retirement, whether we can take the right of retirement away from them?

Mr. HAWLEY. They do not have the right of retirement.

Mr. CRAMTON. My information is that they do.

Mr. HAWLEY. However, that whole matter is being considered.

Mr. CHINDBLOM. There are several questions besides retirement that are being considered.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 134, line 10, strike out the period and insert a semicolon and add "tomato paste, 25 per cent."

Mr. HAWLEY. Mr. Chairman, I reserve the point of order.

Mr. LAGUARDIA. Mr. Chairman, after the experience I had here last Saturday I know it is futile to attempt to defeat any committee amendment. You have the votes, you have the combinations, you have the agreements, so that even any reasonable, sane amendment has no chance.

Now, I am not disturbing at all the committee amendment raising the tariff from 25 to 40 per cent on tomatoes. What I am trying to do is to except tomato paste from the 40-cent provision and leave it at 25 as originally intended by the committee in its bill.

I say to my tomato friends that tomato paste does not come in competition with the canned or preserved tomato. If it did, we would have no argument, I would have no hope of getting through an amendment of this kind, but the concentrated tomato paste which California now is commencing to manufacture, and they manufacture a very good quality, I concede, is only a small fraction of the consumption of tomato paste in the country at this time. You have not reached that stage of production where you are in a competitive condition with foreign importations. As I stated the other day, this tomato paste is literally a poor man's food. It is used by the people for sauces, condiments, where they can not afford to buy meat to make the sauces. They add a little butter, a little fat or oil, and some onions and dilute this tomato paste, which makes their sauce, and with the limited amount of meat that they are able to eat at this time, and with the food they buy the acid in the tomato is absolutely necessary to them.

If you increase the rate on tomato paste to 40 per cent you will in no way help the new tomato-paste industry, but you will increase the price of the article and take an indispensable article of food from the mouths of millions of workers.

Mr. GARBER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. GARBER of Oklahoma. Is not the increase necessary to preserve the relationship caused by the increased rates. Would it not leave a loophole in the law through which the increased rates would be nullified?

Mr. LAGUARDIA. Not at all. You have increased the rate on raw tomatoes and on preserved and canned tomatoes. If the tomato paste could be substituted for canned tomatoes I would have no ground to stand on; but the confusion arises in the belief that tomato paste is the same as canned tomatoes, and it is not. I repeat again, no one will use tomato paste if he can afford to buy fresh tomatoes or canned tomatoes.

Mr. FREE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. FREE. As a matter of fact, is not tomato paste made by simply taking the water out of the tomato?

Mr. LAGUARDIA. Exactly.

Mr. FREE. And it is in fact in many ways similar to certain tomato products?

Mr. LAGUARDIA. Not at all. Tomato paste is concentrated, and as the gentleman knows, if you dilute it back again it has not the flavor of the whole tomato, and the whole tomato is preferable to tomato paste if you have the meat and everything else to go with it. We can not afford meat in the cities; now do not increase the cost of tomato paste. What causes confusion is the belief that it comes in competition with domestic tomatoes. It does not. The Tariff Commission has gone into this. Your original proposition of 25 per cent was sufficient, considering the increase in raw tomatoes. I ask the committee to consider this at this time, because the preserved tomato at this stage of production is not in a competitive stage.

Mr. SPROUL of Kansas. Is this tomato paste manufactured in the United States in large quantities?

Mr. LAGUARDIA. It is not. It is being manufactured, but the percentage is very small. I leave that to any Member from California.

The amount of tomato paste manufactured in this country is small in comparison with the 13,857,335 pounds of tomato paste imported in 1927. Not only that, but the American-made tomato paste is now selling 33.16 per cent below the retail selling price of imported tomato paste. Therefore this increase is not for the protection of the domestic manufacturer but is another tax on the morsels of food that go into the mouths of the people of my city. The figures of the Tariff Commission will show that the cost of manufacture in this country, owing to improved machinery, is less than the cost in foreign countries. So, again, this increase is not for the benefit of American labor; it is not the compensated difference in the cost of production here and abroad, but it is arbitrarily, brutally, and unjustifiably put into the bill at this time for some mysterious reason to benefit some individual at the cost of the people of New York City and other centers throughout the United States. I expect that the rule will be invoked against me, but I beg the opportunity of a fair and frank discussion before the House and then let it go to a vote. I dare you to give the House the facts and the figures and let us have a vote on it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Chairman, I make the point of order against the amendment, that it adds new language to the proposed amendment of the committee and does not affect any language in the amendment of the committee. It adds additional words.

Mr. LAGUARDIA. I would like to be heard upon that.

The CHAIRMAN. The Chair is ready to rule. Does the gentleman desire to be heard?

Mr. LAGUARDIA. If the Chair is going to rule with me, I do not want to be heard.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LAGUARDIA. Mr. Chairman, I call the attention of the Chair to the fact that the present rate in the bill is 25 per cent for all tomatoes. The committee amendment raises the 25 per cent rate to 40 per cent. My amendment to the committee amendment takes one of the commodities within the entire committee amendment and leaves it at 25 per cent. It seems to me that that is perfectly germane to the amendment under the rule which we are operating, which requires a liberal construction to any amendment to a committee amendment.

The CHAIRMAN (Mr. MICHENER). The committee amendment provides that the rate fixed at 25 per cent as found in line 9, page 124, of the bill be increased to 40 per cent. The amendment offered by the gentleman from New York adds to the words "ad valorem" in line 10, a semicolon and the words "tomato paste, 25 per cent." In the opinion of the Chair, it would require a strained construction of the rules and precedents to say the gentleman's amendment is an amendment to the committee amendment. And, further, in the opinion of the Chair, the amendment offered by the gentleman from New York is not germane to the committee amendment. The Chair, therefore, sustains the point of order.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. HAWLEY: Page 124, line 3, strike out the figures "1¾" and insert in lieu thereof the figure "2."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LAGUARDIA. Mr. Chairman, I want to oppose that amendment. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, this about completes the increase in the poor man's menu. You have increased potatoes, you have increased chilled meat, you have increased butter, you have increased tomatoes and tomato paste. Now you have looked through your whole bill and the only thing that was left for the poor man to chew for consolation was onions, and you have even increased the rate on onions.

Now, I submit to any member of the committee that if you can show that there is any reasonable percentage of the total national consumption of onions imported, then you are justified in offering this increase of a quarter of a cent a pound. But in the absence of any such importations to any appreciable extent this increase is indefensible. There is no tariff justification for it, and it is simply arbitrary in order to corral a few more votes to hold your brick and cement and tobacco and sugar increases.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BOYLAN. The gentleman says that one of the foods of the poor man to-day is macaroni or spaghetti.

Mr. LAGUARDIA. Yes.

Mr. BOYLAN. How can you prepare macaroni or spaghetti properly without tomato paste or onions or garlic?

Mr. LAGUARDIA. You can not; and not only that, but the gentleman knows that we use several thousand pounds of onions in New York City per day. This will mean an additional cost of several thousand dollars to the consumers of onions in New York City. You gave this matter a great deal of consideration when the bill was before you, and this last amendment increasing the rate is not justified by the facts and there is no merit to any claim for an increase. It is simply an incident in the course of a general trading proposition where you want to maintain some of the other unreasonable items in the bill.

I understand it is hopeless to get up here and oppose a committee amendment. I know what I am up against. I have been talking until I have become blue in the face and have not made a dent. But I can go home and sleep at night, whereas the members of the committee must lie awake nights because their consciences must surely trouble them. But that will not do the consumers any good.

This increase of one-fourth cent a pound will reflect in the retail price of onions. This increase is not based on facts and figures, but it is one of the many arbitrary increases obtained by various groups in the House from the committee. The committee had given these various schedules study when they reported the bill. The manner in which some of these increases have been obtained are now obvious. Again, in the name of the consumers, I protest against this increase. It is not for the benefit of agriculture; it is not for the benefit of industry; it is solely for the benefit of the onion speculator and at the expense of the consumer.

Mr. HAWLEY. Mr. Chairman, the Tariff Commission made an intensive investigation of this matter, and the President raised the duty as much as the law would permit, but not as high as the findings of the commission would justify. Our committee decided that the rate of 2 cents a pound was a fair rate. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. HAWLEY: Page 122, line 10, strike out the figure "5" and insert in lieu thereof the figure "6"; on page 122, line 15, after the semicolon, insert "bluegrass, 5 cents per pound; tall oat, 5 cents per pound."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. HUDSPETH. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will again be read.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WATSON. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. WATSON: Page 36, line 4, strike out "30 per cent ad valorem" and insert in lieu thereof "three-eighths of 1 cent per pound."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. BOYLAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BOYLAN. Mr. Chairman and Members of the House, this is the worst tariff measure in the history of American tariff legislation. It will burden the consumers with more than $500,000,000 in additional costs of almost everything he eats and wears, and it will boost the price of building a home. It will also be warning to every owner of property to increase the prices of houses already built. Hundreds of articles in everyday use will cost more as soon as the provisions of the bill are generally understood by manufacturers, retailers, and wholesalers. The Republican Party again proves it is the best friend of the high cost of living.

Worst of all, the bill will bring no benefit for those for whom it was supposed to help—the farmer. I know that the so-called farm bloc has assented to what Majority Leader TILSON calls "the voice of the caucus," but those other people Mr. TILSON referred to so kindly—the Toms, Dicks, and Harrys back on the farm and in the cities—have not approved the bill. They will not like its effect on their pocketbooks. For the supposed benefits he gets out of this measure the farmer will pay and pay—and so will the American working man. They give the farmer a tariff on hides. But we all know that 90 per cent of this tribute will be collected by the packers, and the farmer will be well skinned. But because of this boost the 30,000,000 farmers will pay at least $15,000,000 more when they come to buy shoes for themselves and their families. This is only one example of how the farmer has been fooled. But the bill is full of such trickery and fraud and dishonest legislation.

The Republicans have not reformed. They never can or will. They are still the party of the powerful interests. Their only interest in the individual is on election day.

If Mr. Hoover keeps the pledges he made during the campaign, he will veto this measure. If he is the statesman he was touted to be last fall, he will tell the betrayers of the people in Congress that he will not approve their handiwork. He will speak in bold, blunt terms and insist upon a decent and honest tariff bill. The people's only hope against prices that will be as high as those of our war days is President Hoover, and everybody interested in American happiness and prosperity believes that he will prevent the perpetration of this robbery by the Republican Representatives in Congress. [Applause.]

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WATSON. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WATSON: Page 36, line 11, strike out "yellow" and insert "common yellow."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. ABERNETHY. Mr. Chairman, I rise in opposition to the committee amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. ABERNETHY. Mr. Chairman and ladies and gentlemen of the House, this is the first opportunity I have had to make any statement at all about this bill. Now, when the committee goes to work and undertakes to strike out "yellow" and make it "common yellow" it is time for me to make a protest against anything of this sort.

I started out in my career as a Member of Congress by undertaking to help the farmer. I thought then that the leaders of the farmer came from Iowa, and I believe they still think they are the farm leaders. But I have watched the performances of some of my Republican friends here who have been trying to help the farmer. They have gone in with the regulars, and as a result we have seen the equalization fee go

glimmering; soon the debenture plan will go glimmering, and on Saturday we saw poor old "blackstrap" laid low in the grave.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SCHAFER of Wisconsin. If the Democrats had not run out on the roll call it might have been a different story.

Mr. ABERNETHY. I understand it might have been a different story. There did not happen to be a roll call, however. But I want to say to my farm friends on that side of the House that if you had started out and undertaken to join in with the real friends of the farmer on this side of the House, we could have written a tariff bill that would have helped him, and, further, we possibly could have saved poor old "blackstrap's" life. But she went glimmering. The committee offered 2 cents a gallon on blackstrap; then Iowa and Illinois came to the forefront and offered 8 cents a gallon, and then the regulars who profess to be the friends of the farmer came to the forefront and not only took away the 8 cents but took away the 2 cents and left her like she is dead with no friend on that side to do her homage. [Applause.]

Mr. GARBER of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. GARBER of Oklahoma. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include some agricultural tables.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GARBER of Oklahoma. Mr. Chairman and members of the committee, I regret that the short time allotted me will not permit me to yield for interruptions, and I therefore request to be permitted to proceed so that I may more fully bring to your attention important phases of the question of farm relief.

A TWOFOLD PROGRAM OF RELIEF

The House is approaching the completion of its constructive program for legislative assistance to agriculture. This includes two major problems, the one dealing with farm surpluses produced at home, the other with the importation of competitive foreign farm products produced abroad.

HAUGEN BILL NO. 1

Haugen bill No. 1 as it passed the House embodied the first number. It created a responsible head for the collective industries of agriculture, with authority to appear before the several committees of Congress, the various departments of government, and to extend the friendly arm of the Government around the families of the industry, with power, information, and finance to render the most effective assistance in solving the existing and future problems in the various industries as they may arise. This bill exhibited the highest statesmanship in its extension of governmental assistance and the retention of its anchorage in sound economics, and the limitations of the Constitution, with workable provisions of law for its execution. [Applause.]

The Federal farm board, which it creates, is clothed with ample power, unhampered with administrative restrictions, to exercise the powers of guardianship over the industries in safeguarding and promoting their interests.

STOP THE FLOOD OF FOREIGN IMPORTATIONS

The bill now under consideration and approaching its passage in this House deals with the second problem, namely, competitive foreign farm products produced abroad, pouring into our markets and depressing the prices of farm products at home. The following table shows the extent to which this is being done and the necessity for increased rates on farm products to protect our home market for our home farmers:

TABLE 1.—*Value of United States imports of food products, 1928*

Item	Quantity	Value
Meats:		
Beef and veal, fresh ... pounds	58,320,000	$6,949,000
Pork, fresh ... do	7,811,000	1,495,000
Mutton and lamb, fresh ... do	3,268,000	516,000
Other fresh meats ... do	5,787,000	871,000
Poultry:		
Dead ... do	5,856,000	1,564,000
Prepared ... do	477,000	289,000
Canned meats ... do	55,156,000	6,644,000
Other prepared meats ... do	31,134,000	5,939,000
Sausage casings ... do	17,919,000	12,586,000
Animal oils and fats, edible ... do	16,493,000	1,328,000
Fish:		
Fresh, frozen, or packed on ice ... do	171,727,000	11,208,000
Cured or preserved ... do	171,938,000	18,271,000
Shellfish, fresh or canned ... do	30,211,000	9,077,000
Dairy products:		
Milk and cream ... gallons	9,253,000	$6,894,000
Milk, condensed or evaporated ... pounds	2,609,000	206,000
Milk and cream, powdered, malted, etc ... do	5,059,000	773,000
Butter ... do	4,659,000	1,659,000
Cheese ... do	81,403,000	24,695,000
Eggs:		
In the shell ... dozen	286,000	83,000
Dried whole eggs, yolk and albumen ... pounds	8,670,000	4,245,000
Frozen ... do	14,804,000	2,451,000
Grains and grain preparations:		
Rice—		
Uncleaned ... do	5,660,000	287,000
Cleaned (except patna) ... do	29,442,000	1,170,000
Patna, flour, meal, etc ... do	3,885,000	197,000
Wheat—		
Grain ... bushels	18,848,000	22,040,000
Flour ... pounds	1,150,000	37,000
Other grains (corn, oats, buckwheat) ... bushels	1,121,000	987,000
Biscuits, wafers, bread, etc ... pounds	5,149,000	1,103,000
Macaroni, vermicelli, etc ... do	3,434,000	371,000
All other		262,000
Oil cake and oil-cake meal:		
Bean, soy and other ... pounds	96,810,000	1,920,000
Coconut or copra ... do	28,433,000	448,000
All other ... do	125,543,000	2,327,000
Other fodders and feeds		11,012,000
Vegetables, fresh:		
Beans, dried ... pounds	137,884,000	6,223,000
Peas, dried or split ... do	13,666,000	521,000
Chickpeas or garbanzos ... do	56,706,000	3,353,000
Potatoes, white or Irish ... do	194,611,000	2,859,000
Mushrooms ... do	7,831,000	1,958,000
Turnips ... do	150,426,000	836,000
Garlic ... do	6,179,000	287,000
Tomatoes, natural state ... do	122,002,000	3,836,000
Onions ... do	125,978,000	2,674,000
Arrowroot, cassava, sago, and tapioca ... do	176,469,000	3,915,000
Others		3,086,000
Vegetables, canned:		
Peas ... pounds	1,189,000	135,000
Tomatoes ... do	92,732,000	5,198,000
Other ... do	8,562,000	861,000
Vegetables, prepared or preserved:		
Sauces ... do	12,382,000	930,000
Tomato paste ... do	9,817,000	1,054,000
Other vegetable preparations ... do	16,947,000	1,083,000
Other edible vegetable substances		794,000
Fruits and preparations:		
Bananas ... bunches	64,298,000	35,377,000
Lemons ... pounds	69,749,000	2,191,000
Grapefruit ... do	7,615,000	199,000
Olives ... gallons	7,813,000	5,311,000
Berries ... pounds	6,748,000	597,000
Cherries, natural or preserved ... do	13,951,000	2,120,000
Pineapples, prepared or preserved ... do	2,677,000	164,000
Currants ... do	10,667,000	960,000
Dates ... do	58,841,000	2,869,000
Figs ... do	38,738,000	2,854,000
Citron or citron peel ... do	4,447,000	472,000
Raisins or other dried grapes ... do	2,390,000	312,000
All other fruits and preparations		4,858,000
Nuts ... pounds	315,951,000	31,211,000
Vegetable oils and fats, edible:		
Cocoa butter ... do	21,000	7,000
Olive oil, edible ... do	82,943,000	14,951,000
Cocoa, coffee and tea:		
Cacao or cocoa beans ... do	379,227,000	47,205,000
Cocoa and chocolate, prepared ... do	9,408,000	2,015,000
Coffee ... do	1,456,527,000	309,648,000
Tea ... do	89,824,000	27,222,000
Spices ... do	98,399,000	20,590,000
Sugar and related products:		
Sugar, cane ... do	7,716,947,000	207,025,000
Molasses ... gallons	265,802,000	10,237,000
Maple sugar and sirup and honey ... pounds	7,426,000	1,250,000

It has been reliably estimated that the production of 32,000,000 acres, an area nearly one-tenth of the entire farm-crop acreage of the United States, twice the crop area of the State of Minnesota and equal to the 1927 crop area of all the New England States, New York, Pennsylvania, New Jersey, Ohio, and Oregon combined, has been displaced by competitive agricultural imports. We do not produce our surplus; we import it!

The increased rates on farm products proposed by this bill afford the only sound and effective remedy to keep competitive foreign farm products out of the home market and protect the American farmer against the resultant price depression. The "tariff for revenue only" policy of the Underwood Act opened our gates wide to foreign products. In the first 12 months of the Underwood tariff law there was imported $350,000,000 worth of grain, potatoes, hay, butter, cheese, eggs, poultry, meat, cattle, horses, sheep, wool, and hides, more than the aggregate importations of like products during the entire preceding Republican administration.

The following tables show the rates on the principal agricultural products under the Underwood and the Fordney-McCumber Acts and the proposed increases in the pending measure which are severely criticized because of their alleged resultant increased prices of farm products to the consumers.

TABLE 2.—*Agricultural products (comparative study of tariff rates under various acts)*

Article	Underwood Act	Fordney-McCumber Act
Beef and veal, fresh	Free	3 cents per pound.
Cattle	do	1½ to 2 cents per pound.
Goats	do	$2 per head.
Lamb, fresh	do	4 cents per pound.
Mutton, fresh	do	2½ cents per pound.
Sheep	do	$2 per head.
Bacon and hams	do	2 cents per pound.
Lard	do	1 cent per pound.
Lard compounds and substitutes	do	4 cents per pound.
Pork, fresh	do	¾ cent per pound.
Shoulders, and other pork, prepared or preserved.	do	2 cents per pound.
Swine	do	½ cent per pound.
Meats, fresh, prepared, or preserved (not specifically provided for).	do	20 per cent.
Cream	do	20 cents per gallon.
Milk, fresh	do	2½ cents per gallon.
Milk, condensed or evaporated, in hermetically sealed containers.	do	1 to 1⅓ cents per pound.
Butter	2½ cents per pound	12 cents per pound.
Oleomargarine and other butter substitutes.	do	8 cents per pound.
Cheese and substitutes therefor	20 per cent	5 cents per pound.
Birds, live:		
Poultry	1 cent per pound	3 cents per pound.
All other	Free	Valued at $5 or less each, 50 cents; valued at more than $5, 20 per cent.
Birds, dead, dressed or undressed:		
Poultry	2 cents per pound	6 cents per pound.
All other	30 per cent	8 cents per pound.
All the foregoing, prepared or preserved in any manner and n. s. p. f.	Free	35 per cent.
Egg albumen:		
Dried	3 cents per pound	18 cents per pound.
Frozen or otherwise prepared or preserved, n. s. p. f.	1 cent per pound	6 cents per pound.
Egg yolk:		
Dried	10 per cent	18 cents per pound.
Frozen or otherwise prepared or preserved, n. s. p. f.	do	6 cents per pound.
Eggs of poultry, in the shell	Free	8 cents per dozen.
Whole eggs:		
Dried	10 cents per pound	18 cents per pound.
Frozen or otherwise prepared or preserved, n. s. p. f.	2 cents per pound	6 cents per pound.
Corn or maize, including cracked corn.	Free	15 cents per bushel.
Corn grits, meal, and flour, and similar products.	do	30 cents per 100 pounds.
Oats, hulled or unhulled	6 cents per bushel	15 cents per bushel.
Oatmeal, rolled oats, oat grits, and similar oat products.	30 cents per 100 pounds.	80 cents per 100 pounds.
Unhulled ground oats	do	45 cents per 100 pounds.
Rye	Free	15 cents per bushel.
Rye flour and meal	do	45 cents per 100 pounds.
Wheat	do	42 cents per bushel.
Wheat:		
Crushed or cracked, and similar products, n. s. p. f.	do	$1.04 per 100 pounds.
Flour and semolina	do	Do.
Oil-bearing seeds and materials:		
Cottonseed	do	½ cent per pound.
Flaxseed	20 cents per bushel	40 cents per bushel.
Soya beans	Free	½ cent per pound.
Beans, n. s. p. f.:		
Dried	25 cents per bushel	1¾ cents per pound.
Green or unripe	do	½ cent per pound.
In brine	1 cent per pound	2 cents per pound.
Prepared or preserved in any manner.	do	Do.
Beets:		
Sugar	5 per cent	80 cents per ton.
Other	do	17 per cent.
Peas:		
Dried	10 cents per bushel	1 cent per pound.
Green	do	Do.
Prepared or preserved in any manner.	1 cent per pound	2 cents per pound.
Split	20 cents per bushel	1¼ cents per pound.
Onions	do	1 cent per pound.
Potato flour	Free	2½ cents per pound.
Potatoes:		
Dried, dehydrated, or desiccated.	do	2¾ cents per pound.
White or Irish	do	50 cents per 100 pounds.
Tomatoes:		
In their natural state	15 per cent	½ cent per pound.
Paste	25 per cent	40 per cent.
All other, prepared or preserved in any manner.	do	15 per cent.
Turnips	15 per cent	12 cents per 100 pounds.

TABLE 3.—*Comparison of rates on agricultural products under the Fordney-McCumber Act and the proposed tariff act*

Article	Fordney-McCumber Act	Proposed tariff act	Per cent
Beef and veal, chilled or frozen	3 cents per pound	6 cents per pound	100
Sheep, lambs, and goats	$2 per head	$3 per head	50
Mutton and goat meat, fresh, chilled, or frozen.	2½ cents per pound	5 cents per pound	100
Lamb, fresh, chilled, or frozen	4 cents per pound	7 cents per pound	75
Swine	½ cent per pound	2 cents per pound	300

TABLE NO. 3.—*Comparison of rates on agricultural products under the Fordney-McCumber Act and the proposed tariff act*—Continued

Article	Fordney-McCumber Act	Proposed tariff act	Per cent
Pork, fresh, chilled, or frozen	¾ cent per pound	2½ cents per pound	233⅓
Bacon, hams, and shoulders, and other pork, prepared or preserved.	2 cents per pound	3¼ cents per pound	62½
Lard	1 cent per pound	3 cents per pound	200
Lard compounds and lard substitutes.	4 cents per pound	5 cents per pound	25
Reindeer meat, venison, and other game (except birds), fresh, chilled or frozen.	do	6 cents per pound	50
Whole milk, fresh or sour	2½ cents per gallon	5 cents per gallon	100
Cream, fresh or sour	20 cents per gallon	48 cents per gallon	140
Milk, condensed or evaporated, unsweetened.	1 cent per pound	1.4 cents per pound	40
Milk, condensed or evaporated	1½ cents per pound.	2¼ cents per pound.	50
Milk, condensed or evaporated, other ways.	1⅓ cents per pound.	2 cents per pound	62½
Malted milk and compounds or mixtures of or substitutes for milk and cream.	20 per cent ad valorem.	30 per cent ad valorem.	50
Butter	8 cents per pound	14 cents per pound	75
Butter substitutes, oleomargarine	do	do	75
Cheese and substitutes, therefor or not less than.	5 cents per pound, 25 per cent ad valorem.	7 cents per pound, 35 per cent ad valorem.	40
Chickens, ducks, geese, turkeys, and guineas, live.	3 cents per pound	6 cents per pound	100
Baby chicks of poultry	do	4 cents per pound	33⅓
Baby chicks of ducks, geese, turkeys and guineas.	do	6 cents per pound	100
Birds, deal dressed or undressed, fresh, chilled or frozen, chickens, ducks, geese, guineas.	6 cents per pound	8 cents per pound	33⅓
Turkeys, dead, dressed or undressed, fresh, chilled or frozen.	do	10 cents per pound	66⅔
All others	8 cents per pound	do	25
All the foregoing, prepared or preserved in any manner and not specially provided for.	35 per cent ad valorem.	do	-------
Eggs of poultry in the shell	8 cents per dozen	10 cents per dozen	25
Eggs, preserved	6 cents per pound	8 cents per pound	33⅓
Buckwheat, hulled or unhulled	10 cents per 100 pounds.	25 cents per 100 pounds.	150
Corn, or maize, including cracked corn.	15 cents per bushel of 56 pounds.	25 cents per bushel of 56 pounds.	66⅔
Corn grits, meal, and flour and similar products.	30 cents per 100 pounds.	50 cents per 100 pounds.	66⅔
Paddy or rough rice	1 cent per pound	1¼ cents per pound.	25
Same, with hulls removed	1¼ cents per pound.	1½ cents per pound.	20
Milled rice, bran removed, all or in part.	2 cents per pound	2½ cents per pound.	25
Broken rice and rice meal	½ cent per pound	⅝ cent per pound	25
Wheat	30 cents per bushel of 60 pounds.	42 cents per bushel of 60 pounds.	40
Wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for.	78 cents per 100 pounds.	1.04 cents per 100 pounds.	33⅓
Bran, shorts, by-product feeds obtained in milling wheat or other cereals.	15 per cent ad valorem.	10 per cent ad valorem.	[1] 33⅓
Grape fruit	1 cent per pound	1½ cents per pound.	50
Olives, in brine, ripe	20 cents per gallon	30 cents per gallon	50
Olives, dried, ripe	4 cents per pound	5 cents per pound	25
Pineapple	25 cents per crate	35 cents per crate	40
Almonds, not shelled	4¾ cents per pound.	5½ cents per pound.	15.79
Almonds, shelled	14 cents per pound	16½ cents per pound.	17⅞
Cream or brazil nuts, not shelled	1 cent per pound	2 cents per pound	100
Cream or brazil nuts, shelled	-------	6 cents per pound	-------
Filberts, not shelled	2½ cents per pound.	5 cents per pound	100
Filberts, shelled	5 cents per pound	10 cents per pound	100
Peanuts, not shelled	3 cents per pound	4¼ cents per pound.	41⅔
Peanuts, shelled	4 cents per pound	6 cents per pound	50
Walnuts, all kinds, not shelled	do	5 cents per pound	25
Walnuts, shelled	12 cents per pound	15 cents per pound	25
Edible nuts, not provided for, unshelled.	1 cent per pound	5 cents per pound	400
Oil-bearing seeds and materials (flaxseed).	40 cents per bushel (56 pounds).	56 cents per bushel (56 pounds).	40
Soy beans	½ cent per pound	2 cents per pound	300
Grass seeds and other forage crop seeds, alsike clover.	4 cents per pound	5 cents per pound	25
Crimson clover	1 cent per pound	2 cents per pound	100
Red clover	4 cents per pound	6 cents per pound	50
White and ladino clover	3 cents per pound	5 cents per pound	66⅔
Clover, not specially provided for	2 cents per pound	3 cents per pound	50
Hairy vetch	do	do	50
Other vetches	1 cent per pound	1½ cents per pound.	50
Cabbage	10 cents per pound	12 cents per pound	20
Radish	4 cents per pound	6 cents per pound	50
Turnip	do	5 cents per pound	25
Rutabaga	do	do	25
Beans, green or unripe	½ cent per pound	3½ cents per pound.	600
Dried	1¾ cents per pound.	2½ cents per pound.	42⅞
Beans, preserved	2 cents per pound	3 cents per pound	50
Mushrooms, fresh or dried or otherwise prepared or preserved.	45 per cent ad valorem	60 per cent ad valorem.	33⅓

[1] Decrease.

TABLE 3.—*Comparison of rates on agricultural products under the Fordney-McCumber Act and the proposed tariff act*—Continued

Article	Fordney McCumber Act	Proposed tariff act	Per cent
Truffles, fresh, dried, or otherwise prepared or preserved.	25 per cent ad valorem.	30 per cent	20
Peas, and chickpeas or garbanzoes; green or unripe.	1 cent per pound	2 cents per pound	100
Peas, dried	do	1¾ cents per pound	75
Peas, split	1¼ cents per pound	2½ cents per pound	100
Onions	1 cent per pound	2 cents per pound	100
Garlic	2 cents per pound	1¼ cents per pound	[1] 25
Tomatoes, in their natural state	½ cent per pound	3 cents per pound	500
Tomatoes, prepared or preserved in any manner.	15 per cent ad valorem.	40 per cent ad valorem.	166⅔
Turnips and rutabagas	12 cents per 100 pounds.	25 cents per 100 pounds.	108⅓
All vegetables, not especially provided for, including horseradish.	25 per cent ad valorem.	50 per cent ad valorem.	100
Acorns, chicory and dandelion roots, crude, ground.	3 cents per pound	4 cents per pound	33⅓
Mustard seed	1 cent per pound	2 cents per pound	100
Paprika, ground or unground	2 cents per pound	5 cents per pound	150

[1] Decrease.

FREE TRADE IN FARM PRODUCTS

Thus we see the Underwood Act, with but few exceptions, placed farm products on the free list, and the exceptions carried rates for revenue only. Under it we had free trade in farm products, and our ports were thrown wide open to the foreign farm products of the world. Our market became the world market. From every country came the cheap labor, the peasant labor, living from hand to mouth on rye bread and water in hut and hovel, in the form of foreign farm products, piling high and congesting every consuming center in the country. The market price for farm products collapsed, and in one short year depreciated in excess of $4,000,000,000. The recollection of that appalling cataclysm of price depression is still a nightmare within the memory of those who were permitted to survive the deluge.

THE PROTECTIVE HAND OF THE REPUBLICAN PARTY OPEN TO THE FARMER

Then, as now, Congress was hurriedly convened in special session to enact remedial emergency farm legislation. Then, as now, the Republican Party was commissioned to do the work. It took farm products from the free list and placed them on the protective list, with rates then considered high, so high as to be denounced as prohibitive by our Democratic friends, and creating an embargo destructive of our foreign trade. It required several years to absorb the free-trade surpluses of foreign farm products piled high in every consuming center of our domestic market.

The rates then considered high enough to keep out foreign farm surpluses remained effective to that extent but for a short time; long enough, however, for the purchasing power of farm products to increase from 67 per cent in 1921 to 90 per cent in 1928.

The cattle industry was revived, and during the last two years has been yielding fair returns on the investment. A 2-year-old feeder or stocker to-day brings $39.80 more than it did in 1921 and 1922.

The dairy industry has been revived. The dairy cow that sold for $15 or $20 in 1921 and 1922 to-day sells for anywhere from $70 to $100, and this increase in price per head reflects the increase in price of dairy products.

The poultry industry has been yielding fair returns during the last several years.

The price of hogs has increased from $3 and $4 per hundred in 1921 and 1922 to $8 and $9 per hundred on the primary markets.

Likewise, the sheep industry has improved. Sheep selling for $3 and $4 per head in 1921 and 1922 to-day are selling all the way from $8 to $10 per head, and such increase is reflected in a steady market for wool.

These industries of agriculture are its most important ones. They are those in which every family on the small farm is engaged and directly interested. Their joint product is of far greater value than that of wheat and cotton in which not exceeding one-fourth of the numbers are engaged.

THE SECOND INVASION OF FOREIGN FARM PRODUCTS

The restoration of the other industries of agriculture which do not produce an exportable surplus would have been more complete if it had not been for the second invasion in our market of foreign farm products. As our market became more stabilized, firm, and remunerative, an additional inducement in the way of increased prices equivalent to the increased rate brought competitive foreign farm products into our market in enormous quantities, after paying the tariff, in competition with our farm products in the domestic market. This is shown by the importation of farm products in 1925, which included the following items:

Animals, approximately $8,800,000 worth; meat, $7,252,000 worth; eggs and egg products, $8,988,000; milk and cream, $10,114,000; butter, $2,646,000; cheese, $17,349,000; animal fats, $637,000; hides and skins, $96,746,000; leather and partly manufactured leather, $36,266,000; miscellaneous animal products, $25,000,000; grains and grain preparations, $26,237,000; fodders and feed, $11,850,000; vegetables and vegetable preparations, $36,244,000; fruits (excepting bananas), $24,500,000; nuts, $34,283,000; oilseeds, $64,725,000; vegetable oils and fats, $75,000,000; sugar, sirups, and honey, $266,008,000; seeds, $11,870,000; tobacco, $83,881,000; miscellaneous vegetable products, $5,000,000; cotton, $52,775,000; flax, $3,575,000; straw materials, $3,798,000; wool, $141,976,000.

The importations in ever-increasing volume have been coming in until they reached the enormous total of $1,200,000,000 of competitive foreign farm products in our markets in 1928. The rates once considered high only remained high enough to keep out foreign farm products for about three years. Then the influx became so alarming as to attract the attention of the country.

GARBER RESOLUTION TO INCREASE RATES

On June 9, 1926, I introduced a joint resolution in the House providing for increased rates on farm products and likewise in the Seventieth Congress. I also appeared before the Tariff Commission urging an increase in the rates on farm products, but no corrective relief was afforded except upon a few items.

GIVE THE FARMER HIS HOME MARKET

We are now convened again in special session to enact remedial farm legislation to deal with the surpluses of foreign farm products that are pouring into our market. In its last national platform the Republican Party declared:

A protective tariff is as vital to American agriculture as it is to American manufacturing. The Republican Party believes that the home market, built up under the protective policy, belongs to the American farmer, and it pledges its support of legislation which will give this market to him to the full extent of his ability to supply it.

The increased rates on farm products provided for in the present bill fulfill the pledge of the party to the country. It will give to the American farmer the home market which should result in increased prices, more stabilized and uniform throughout the year. [Applause.]

CRITICISM OF BILL REALLY ITS RECOMMENDATION

Mr. Chairman, the criticism made against the increased rates on agricultural products in this bill is illustrated by that of United States Senator WALSH of Massachusetts, a recognized leader of the Democratic Party and representative of the consuming class. In a recent statement he is reported to have said:

In contrast with the failure to give aid to those industries which have the same claim to the benefits of protection as other favored industries the new bill will increase the cost of living for all easterners. The bill provides inordinate increases in cost to the consumers of cheese, butter, milk, condensed milk, beef, fresh pork, poultry, dressed fowls, eggs, corn, rice, wheat, which means bread and other edibles; and, last but by no means least, an increase of what is estimated at over $100,000,000 a year to American consumers of sugar for the benefit of the sugar-beet industry.

If this schedule in the bill will provide increased prices for farm products to our farmers, then it ought to be supported by every Member of this House for that is the gist of the problem of extending legislative assistance to agriculture. [Applause.]

During the years from 1921 to 1925 there was no class so poorly paid for their services as the farmers, and even during the years 1927 and 1928, when conditions had improved, the average wage per farm family was only $717 compared with $1,301 per person employed in all factories and $584 per farm hand. The wages per farm family are the rewards for farm management to which has been added an allowance of $60 for residential values of farm dwellings. Thus we see that in 1927 and 1928 the average wage per farm family was $584 less than that per person employed in all factories and only $133 more than the average wage of the farm hand.

It is to relieve such unequal conditions that rates have been increased and are justifiable. Multiply the annual income of the farmer by three, making his total income $2,151, and there is not a member of this committee who will say that such amount would be too high for the value of the services rendered by the farmers in producing foodstuffs for the daily sustenance of the people. [Applause.] Such amount, when we include interest on the average $9,000 investment of the farmer, his high taxes, prices he has to pay for his farming implements, and freight rates, would not exceed that of industry and labor.

REDUCE THE COSTS OF DISTRIBUTION

The increased prices to the farmer will not necessarily mean increased prices to the consumer. To-day the farmer only receives 45 cents out of the dollar which the consumer pays for the farmer's products. Here are conditions between the farmers and the consumers in which the consumers themselves are directly interested, and they should organize to eliminate the unnecessary overhead for which the farmer is not responsible. For the $9,779,000,000 which the farmer received for his products the consumers paid last year $21,730,000,000, the cost of distribution alone reaching the enormous, staggering total of $11,951,000,000! The consumers of the East should not sit in rocking-chairs expecting the farmer to produce their food and then, in addition, prepare and serve it on their tables. If they want their food at lesser prices it is their duty to organize and fight their way through to the primary markets, where the farmer delivers his products for a reasonable price. [Applause.]

PENDING BILL NOT ENTIRELY SATISFACTORY

There are certain features of the bill which I do not approve. The rates given to building material of 25 cents per thousand on shingles, 8 cents per hundred pounds on cement, $1.25 per thousand on brick, and 25 per cent ad valorem on cedar lumber are unjustified and without warrant of authority from the people, and were not included in the purposes for which this Congress has been convened. I hope such provisions will be eliminated from the bill in the Senate when it is considered by that body.

PRESENT FARM PRICE OUTLOOK

Just now the outlook for farm prices on the basic crops of which we produce an exportable surplus is not favorable and Oklahoma is vitally interested in the prices for such crops. She is third in the production of cotton and likewise in the production of hard winter wheat. Just now we have 355,560,000 bushels of surplus wheat from preceding crops on hand, awaiting disposal. It is estimated that the coming crop of winter wheat will yield 595,335,000 bushels or 16,371,000 bushels in excess of the 1928 crop or 46,078,000 bushels more than the 5-year average from 1923 to 1927, inclusive, representing the greatest surplus since 1919 when there was 362,947,000 bushels on hand. It is also reported that the acreage sown to wheat in 16 foreign countries, representing 50 per cent of the world's winter wheat in countries other than Russia and China, totalled 96,440,000 acres as against 95,403,000 acres for 1928. With the vast prospective surplus of wheat in foreign countries and surplus, both actual and prospective in our own market, the outlook for a compensatory price is extremely unfavorable.

Oklahoma wheat will be making its appearance on the primary market during the next 30 days. I predict that the price will open as low as 80 cents a bushel or 37 cents below the cost of production. It is a discouraging prospect and to be compelled to sell hard winter wheat of the finest milling quality produced at such ruinous price, under such conditions, will precipitate a heavy load upon the experimental farm bill passed this session of Congress. It can not give immediate relief to such a situation. It is experimental and will take time, several years at the least, to effect the necessary organization to afford substantial relief to such conditions as are now confronting the wheat and cotton growers of the country. The farm bill, however, reflects the best judgment of the farm leaders and those who have made a special study of the subject during the last eight years and can be amended at any session of Congress as experiment proves necessary.

A LOOPHOLE TO CANADIAN COMPETITION

I also introduced a bill to equalize conditions in the milling in bond of Canadian wheat. Under section 311 Canadian wheat for milling-in-bond purposes is permitted to enter our country without payment of duty when manufactured into flour and is then sold under the American brand in the Cuban market under our 30 per cent preferential duty with that country. Thus we see that while a duty of 42 cents per bushel has been placed on wheat to keep foreign wheat out of our home market, through the above loophole in the law Canadian wheat is admitted free of duty and under the brand of American flour is sold in our preferential market in Cuba, which to the extent of the preference is our home market.

My bill would require Canadian wheat shipped into this country for milling-in-bond purposes to pay a duty equivalent to any preferential duty which we may have with any country. I presented such bills to the House Ways and Means Committee, but favorable action has not been reported. There is absolutely no excuse for the present free trade in wheat for milling-in-bond purposes. Such displaces flour manufactured from American wheat in the Cuban market. Our wheat farmers are entitled to that preference and not the Canadian farmers. The preference amounts to 34.6 cents on a barrel of flour and 8 cents per bushel for wheat. Canada has no such preference with Cuba, and therefore can not compete with us in the Cuban market, giving us a preferential of 30 per cent. [Applause.]

Mr. KVALE. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for 15 minutes and to speak on the tariff bill generally. My reason is that I have been confined to the hospital for 10 days and am still confined there with the exception of the few hours each day that I spend in this House, and I have not had an opportunity to speak on the bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that he be permitted to continue for 15 minutes. Is there objection?

Mr. BACHARACH. Mr. Chairman, I shall have to object to 15 minutes. I do not mind extending the gentleman's time to 10 minutes, but we are really crowded for time.

Mr. KVALE. Then I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KVALE. Mr. Chairman and members of the committee, I came here with great expectations that something real and tangible would be done for the farmer in the adoption of a farm relief bill and a tariff bill for the relief of agriculture, and I still have hope that the farm bill we have passed will accomplish something. But my hopes are being shattered so far as a tariff bill is concerned.

I voted against the rule and I shall have to vote against this bill. If for no other reason, it would be reason enough that you have adopted a rule which is a gag rule and which tries to jam this bill down our throats, line, hook, and sinker, without any chance to debate some of the most important schedules or amend them; that is railroading it through. And it is no answer to say that the Democrats did the same thing in 1913. Undoubtedly they did. I was not here. But two wrongs never made a right, and they will not in this case. I would have said the same thing about the Democrats if I had been here at the time.

They call this the House of Representatives. It is not the House of Representatives any longer. My district and my State are not represented in the enactment of this bill into law. We do not have a chance to have anything to say about it. This is the House of Mussolini of the United States. It is dominated, wholly, completely, absolutely, from beginning to end, from A to Z, from alpha to omega, from center to circumference, through its length, breadth and thickness, and if there be an Einstein fourth dimension that is also included—from top to bottom, from the heavens above to the regions below, dominated and controlled and muzzled and shackled by the triumvirate of this House, by the Three Musketeers, the all-powerful, Longworth-Tilson-Snell combination. Obviously, Members of the House, I am not referring to these men as individuals or as men. They are lovable, fine gentlemen, as fine gentlemen as I ever hope to meet, and I love them. As for the Speaker, Mr. LONGWORTH, I can truthfully say from my knowledge of the history of Congress that no more cultured and refined gentleman, and certainly no fairer presiding officer, ever graced the Speakership of this House. And the admirable, genial, kindly majority leader, Mr. TILSON, surely does not have an enemy in the world. And, what is more, there is not a crooked hair on his head. And the chairman of the Rules Committee, the gentleman from New York, Mr. SNELL, is always the affable, perfect gentleman.

But collectively they are the embodiment and representation of that unseen power which somehow rules the destinies of this Nation. Somehow there is a Doctor Jekyll and Mr. Hyde transformation from the individual to the official. Somehow there seems to be a machine, and while it is working so smoothly that there is scarcely a sound audible, you can tell by its speed that it has plenty of power.

History tells us that once the seat of government was in a certain street in New York. There are those who claim that the real seat of government is still there in spite of the buildings and assemblages here.

Woodrow Wilson once said that "the masters of the Government of the United States are the combined capitalists and manufacturers of the United States." No truer words were ever spoken. Theodore Roosevelt spoke about "the malefactors of great wealth"; and again Woodrow Wilson spoke of "the invisible government."

Yes; this tariff bill is proof that the manufacturers of the United States are the "masters" of the Government of the United States.

I seem to visualize—and here I except two or three members of the Ways and Means Committee who put up a noble, albeit losing fight—it seems to me I can visualize an unseen representative of this invisible government standing behind the chair of each one of the majority of these 15 men, as a sort of ghost, dangling a sword of Damocles over their heads, threatening to cut the slender thread for them and for their party unless each one of them sign on the dotted line. And—they have signed on the dotted line.

This bill is framed by the millionaires of the Ways and Means Committee. Now, I am not railing against wealth per se. Far from it. How could I? The Scriptures record that Jehovah Himself made Abraham the Rockefeller, the Henry Ford, of his day and age. And even the Nazarene chose as one of His most intimate friends one of the wealthiest men in Jerusalem. George Washington was one of the wealthiest men in the Colonies and in the United States that he served as first President—a millionaire, if you compare values then and now. And see what he did for our country; what heritage of principles and precepts he left to us! Herbert Hoover, President to-day, is reported a millionaire many times over. I do not know, nor do I care. Certainly that fact, in itself, is no reason for criticism or prejudice.

No; I find no fault with wealth as such. But I do find fault with the methods of many of our wealthy men and our officials in the vast corporations and industries; I find no words to describe the indignation that fills me when I see these individuals and groups gain their added privileges and protections through the organized influence that they are able to exert; when I see them ignore the rights of the producers, of the consumers of the country, and add to their swollen fortunes at the expense of the suffering, helpless, unorganized masses, and rise to positions of greater wealth and power. They are utterly selfish; they are conscienceless; they are a real menace to our national welfare and to the very fundamentals of our Government.

This is another tariff of, by, and for the manufacturers of the Nation. The farmer, after eight years of suffering and bankruptcy is given a sop. I have said before, and I say again, we asked for bread and you have given us a stone. And while I would not throw a stone at any man individually—I would not throw even a pebble at the genial Chairman of the Ways and Means Committee—I would like to take this stone you are handing us here and fling it back into this machine and smash it to smithereens, if I could. [Applause.] That is what I would like to do with it.

We not only asked for bread, but you promised us a whole loaf and you are not giving us half a loaf. You gave us a slice, with the promise of something more in the future, in the farm relief bill that I voted for, but here you are not even giving us a slice of bread. You are giving us the crumbs as they were thrown to Lazarus from the table of Dives.

I would be untrue to my deepest convictions, nay, I would consider it a violation of my sacred oath of office, if I voted for this bill. I do not understand how President Hoover with his promises during the campaign, with his inaugural address, with his explicit statement in calling the special session, can sign this bill.

You claim that you have a mandate to write this bill. No, you have no mandate to write a bill of this kind. This bill was written because the Republican Party is drunk with power, drunk with a large majority. This bill was written in a drunken spree—figuratively speaking, of course. [Laughter and applause.] But if this bill is enacted into law in its present form I venture the prediction that you will have plenty of time to sober up by the time 1932 rolls around. [Applause.]

What of the election returns from my own State, Minnesota? A majority of 160,000, in round numbers, was given the Republican candidate for President. Is that a mandate to write this sort of bill? Is that a mandate to me to support it? Then what of the fact that the Republican candidate for United States Senator, running in the same election, having the support of the same organization, ran a half million votes behind his Presidential candidate, and Senator SHIPSTEAD was again swept into office by the astounding majority of 322,000? How is that mandate to be interpreted? Which is the more forceful? I leave it to your own judgments, and reserve the right to use mine.

I have faith in the President. I have so stated on a former occasion in the House at this session. I look to him to take appropriate action to carry into effect his pledge to help the agricultural industry. And right there I repeat a statement I have made before, and it is this: His appointments of members of the Federal farm board, if and when the bill is enacted into law, will determine for me whether his sympathies are with the wolves or with the masses.

Now when you speak about a mandate, as far as it had anything to do with the economic situation, here is your mandate. It is to revise the tariff downward on what the farmer has to buy. Note, please, that I say downward. I wish the rules for the printing of the CONGRESSIONAL RECORD would permit that word to be written in italics or capitals, with 17 exclamation points after the word.

That is your mandate. Look at the McMaster resolution which passed the Senate almost two to one, and would have passed here if you had given us the chance to vote directly on the resolution. But you did not dare to; you evaded it through a technicality.

Mr. BEEDY. Will the gentleman yield?

Mr. KVALE. Not unless the gentleman can give me some more time.

Mr. BEEDY. I have not any time at my disposal or I would give it to the gentleman.

Mr. KVALE. This is not a bill for the relief of the farmer, it is for the relief of the Republican Party, as some of the leaders look at it. A certain Member in a certain legislative body not a thousand miles from where I stand, who is well informed, and a good Republican, has said that this bill, if enacted into law, will take more out of the farmer's pocket than it will put in it—and he might have made it a great deal stronger.

This was to be a tariff for the relief of the farmer. Yes, it will be. It will relieve him of what little he has left after the Federal Reserve Board, the Fordney-McCumber Tariff Act and the railroads get through with him. [Applause.]

One editor in my district facetiously remarks that the farmers should take hope and be cheerful, now that they can take their shingles to the nearest town and get 25 cents a bushel more for them than they have been getting so far. [Laughter and applause.]

Oh, yes, I stayed here all of Friday and Saturday and voted for any and all amendments that might benefit the farmer—the black-strap amendment, the 15 cent and then the 14 cent duty on butter, and many others—and voted against those I knew would not benefit him but would benefit a few individuals or industrial groups. I am glad of these small benefits. But, in the aggregate, they are so small as to be almost negligible when compared with the increased cost of what the farmer has to buy. Think of the increase in cost of all his wearing apparel, both wool and cotton. Look at the increase in the cost of his boots and shoes, his harness, and all leather goods imposed on him under the deceitful guise of giving him a tariff on hides. What a bitter joke. His building materials will cost more; the cost of practically everything that goes into his buildings and into furnishing his home is to be boosted. It will cost him more to clothe and feed his family. Never has such colossal human greed found expression in a law written on the statute books of any civilized nation in the history of the world.

I came here to do something for the farmer and for the millions who go up or down with him. For that reason, I can not by my vote help to saddle such a monstrosity upon his back. It is bent now to the breaking point. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. KVALE. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended for three minutes. Is there objection?

Mr. BEEDY. Reserving the right to object——

Mr. FREE. I object.

Mr. KVALE. Under leave to revise and extend my remarks, then, Mr. Chairman, I desire to note down a few additional facts that I had hoped to state on the floor of the House.

I should have liked to discuss the McMaster resolution in greater detail. Several colleagues, I know, were anxious to interrupt me to state that the House vote was not on the resolution itself. But I say it was, and can quote from a speech delivered by a very prominent Member of this House on March 9, 1929, at the annual dinner of the Home Market Club of Boston, in corroboration of my statement. This Member of Congress there stated that Senator MCMASTER—

> * * * introduced a resolution in the Senate which said, in rather fierce language, that we should proceed at once to the revision of the excessive tariff rates, a direct threat at the industrial part of the country. This resolution passed the Senate by almost a two to one vote, and came over to the House. The members of the House, as I have stated, were of course very much agitated over it, very anxious as to what they should do. When it came to a vote in the House as to whether this resolution should be referred to Mr. HAWLEY'S committee, which would mean instructions for them to proceed to prepare a bill revising the tariff downward, it was only by the narrow

margin of eight votes that the motion to refer the resolution to his committee was finally laid on the table.

There should be no argument over this. It meant just that—instructions to the Ways and Means Committee of the House to proceed to prepare a bill revising the tariff downward.

When the vote is recalled, when the prominence of this particular controversy in the last congressional and senatorial campaigns in connection with the campaign statements of the two major party candidates for the Presidency is recalled, when you look to see whether any supporters of the McMaster resolution were defeated through the agricultural belt, will not your interpretations of the mandate given you in the last election change somewhat?

I shall be most anxious to compare the votes, in both Houses, on that resolution with the votes, in both Houses, which will be cast on the proposed tariff measure. This bill now before us proposes to do exactly what the McMaster resolution condemned—it proposes to make a general raise of the rate schedules, and to provide in intricate phraseology for still further raises not specifically named. It proposes to increase the burdens of agriculture, to widen the disparity that now exists between the protection given agriculture and that given other industries. That has been shown repeatedly in this debate, by highly respected members from both sides of the aisle.

I should like to discuss sugar, and the proposed raise in the tariff duty on sugar imports, supposedly to protect the beet growers of this country. It has been shown, and not denied, that they produce only 8 per cent of what we consume. My district produces an annual beet crop that is valued at less than $150,000. The tariff would perhaps, if applied and if the benefits actually did revert to the producer, mean to the beet raisers of my district an additional annual income of from $20,000 to $30,000. In theory, the sugar bloc would have me vote to support a tariff bill which would protect them and bring them this added amount and at the same time take annually out of the pockets of the residents of the seventh district at least $250,000 on this item alone. Figure it yourselves; per capita consumption is 114 pounds annually, and the minimum increase in retail price would be one cent.

It is conceded by every Member that, had the rule permitted a separate vote on this item, it would have been stricken from the bill. So with many other items. And yet the bill contains them all, through the ability of the powerful leadership to unite the several minority groups supporting them behind the measure, and push it through the House despite all opposition.

The gentleman from Pennsylvania, Mr. BECK, distinguished constitutional lawyer, told us last week just what we will do if we pass the bill containing the administrative changes it proposes to make. He left nothing for others to add. He showed that Congress will in this bill destroy vitally important legislative and judicial functions of our Government and further concentrate these functions in the Executive.

He might have taken as his text the statement made by W. Warren Barbour, president of the American Tariff League, in the league's magazine for February, 1929, giving the protectionists' viewpoint. Grundy, of Pennsylvania, is vice president. Barbour says:

> Rates of duty, standing alone, however, do not constitute an adequate tariff law, and the administrative features of the act must be considered. Unfortunately, American manufacturers generally pay far too little attention to this all important phase of tariff revision and they have not realized, until lately, the truth of the saying: "I do not care what rates you write into the tariff law, if I can write the administrative features."

Hon. James B. Reynolds, former Assistant Secretary of the Treasury and member of the tariff board, told the league at its last annual meeting that—

> * * * the administration of the tariff law counts just as much as the tariff rate and there should be an active protective tariff atmosphere in the Treasury Department at all times.

The flexible provision, as enacted in 1922, has worked to a limited degree to the farmer's advantage. That is because he has been able to show, so easily, that his rates should be raised. Swollen rates protecting manufacturers can not be so successfully defended. They fear that close scrutiny may bring recommendations for revision downward.

Now, however, something quite different is proposed. The limit of 50 per cent, upward or downward, will no longer apply, for the simple reason that provision is made for the Secretary of the Treasury or his subordinates, whenever there is difficulty in ascertaining the foreign value of an imported article or commodity for tariff purposes, to apply other alternative values, based on competitive prices in this market. From his decision there is no longer to be appeal to the courts. He is the final authority. And by sharply lifting the valuation placed upon the import, he can by such action place a tremendously increased duty on any article and nullify the intent of Congress in any specific case or in general application and administration of the act.

To find that value, the administrative officials would ascertain the price at which the domestic competing article is "freely offered" in our markets. Think of the considerations that would enter in. Remember that it would discriminate in favor of the big corporation and industry. They are the ones that produce most cheaply, with their economies in securing raw materials, in manufacture, and in transportation of their products to the markets. They will receive the greatest protection under the tariff; the smaller manufacturer will go more speedily toward the ruin that already threatens him.

Read what a distinguished Member of the upper body of this Congress placed in the RECORD a day or two ago—on May 23—showing the tremendous increase in the number and incomes of the great corporations, and the corresponding decrease of smaller corporations. He finds that smaller corporations are being merged or combined with the larger, or are driven out of business. This bill, if enacted, will speed the process.

The bill is full of obscure jokers. A Member of the committee, when asked for a statement on introduction of the bill, expressed keen satisfaction with the specific provision which in his mind would accomplish most for his industries. The Philadelphia Inquirer states that this Member—

> * * * in discussing the iron industry declared his belief that a new provision in the bill dealing with "substitution under bond" will prove of great benefit to Pennsylvania industries.

The bill has many provisions for protection of individual industries. It would take tribute from every consumer of commodities which are marketed in the new transparent tissue which is manufactured exclusively by one great corporation. It would extract added toll from every wearer of silk full-fashioned hose in order to protect one company which manufactures nearly all of these machines. And so on down the line.

If this bill could bring protection to the livestock grower, the poultry raiser, the grain farmer, the dairy farmer, I would so gladly support it. But when it proposes to take away far more than it gives, I shall indignantly reject the so-called gift. And when it proposes, in addition to openly increasing the disparity that now exists, to hold the added threat of further changes that may be made by executive officials and that we can have no direct control over, I can only hope and pray that the President, our last hope, may veto the measure when it reaches him.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. KVALE. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended for three minutes. Is there objection?

Mr. BEEDY. Reserving the right to object——

Mr. FREE. I object.

Mr. STEAGALL. Mr. Chairman, the gentleman from Oklahoma [Mr. GARBER] wanted to give a word of instruction to the conferees on the farm bill. He wants us to instruct them not to agree to consider the bill unless the Senate conferees betray their duty to the Senate and abandon the debenture provision. I want to say in reply to the gentleman's suggestion that the Congress can deal with the farm bill and give its answer to the demand for farm relief legislation to the country, whatever, the answer may be, within the next 48 hours, if gentlemen on the Republican side of this House will only consent that the committee may bring back for a vote the debenture plan embodied in the bill as it passed the Senate. That is the one and only item in the bill that has ever been advocated by any farmers' organization. There is nothing else of substantial value which has not been provided heretofore. The plain fact is there is nothing to the House measure except provisions for loans, and there is no loan provision of consequence that has not been provided for already either in the Federal reserve act, the intermediate credits act, or the War Finance Corporation act. The last measure had much more liberal provisions and covered a wider range, but we repealed it to end a bureau regarded by all as unnecessary. Every other provision of the House measure originated in the effort to find a way to avoid passing the legislation asked for by agriculture known as the Haugen bill. The gentleman from Nebraska would kill all farm legislation rather than let the House vote on the debenture plan.

But that is only in keeping with the whole policy under which Congress is proceeding at this time. Nobody has said anything about it, but to me it is unthinkable that the Congress of the United States should meet with a program limiting its action. When the people of the Nation send these chosen Rep-

resentatives to meet to exercise their sovereign powers, no man, however high in official power; no party, however honored; no party organization, no matter how formed or controlled, should be permitted to pass the word here, telling the Congress what shall be discussed or what shall be considered or what legislation shall be passed. But a few leaders under orders, or, at least, under influences outside this body, meet and decide upon a program of legislation, and then the membership of the House at large are expected to fall in line, sit down, and wait for two committees of the House to function while other Members of the House are denied opportunity to meet and go about the usual committee work which it is their duty to do under their obligations to the constituents who sent them here.

That is the rule under which we are proceeding here. Speaking as one Member, I protest. Mr. Chairman, when this Congress meets it is just as if every man, woman, and child under the flag that we honor had assembled here. It is the American people in their sovereign capacity who are assembled here now. We speak for them. If we fail in our duty from any cause or surrender our rights, it is a blow at free government. Yet we are taking orders like bootblacks. Such a procedure is calculated to reduce the voice of the average Member of this body to where he amounts to no more than a taxi driver in the city of Washington, so far as power and authority in the control of legislation is concerned. For one, I enter my protest. It involves a surrender of the people's rights, which should not be tolerated.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. STEAGALL. I beg the gentleman's pardon, but I have not sufficient time. I listened with delight to the address of the learned gentleman from Pennsylvania [Mr. BECK]. I sat spellbound under his masterly logic and his splendid argument, in which he sought to portray the errors and dangers of further surrendering the legislative rights of the people vested under the Constitution in the Congress, and I turned to a friend sitting by me as I sat charmed by the great address of the gentleman from Pennsylvania and I said: "I would not want to spoil a beautiful speech by an interruption, but I would like to rise and say to him that I wished to apologize for having voted against seating him in this body. I did it because I did not think he lived in the district he sought to represent, but that I would be glad to see him made a representative from the country at large." [Applause.]

He reviewed in charming language the struggle to secure for the people the right to control taxation that has gone on through the centuries. He even said in substance that the provision giving the Chief Executive control of the power to tax was unconstitutional. He virtually said he would so hold were he a member of the Supreme Court. I agree to all he said and I give whole-hearted applause. This right of the people to govern themselves through their own chosen representatives is the culminating, crowning achievement of all God's ages! It has been accomplished by bloodshed and sacrifice on the part of patriots and heroes and all the upward swing of enlarging civilization. But before he concluded the gentleman from Pennsylvania [Mr. BECK], to my amazement, turned grovelling upon the iron hands that control machinery under which we operate and confessed that he was helpless; that he was going to vote for the bill! When the vote on the rule came, the rule that tied his hands, the rule that so far as his vote is concerned surrendered his right to function as a Representative of the people whom he represents in this body, we find that he is not recorded as voting upon it. The people of the country are denied the full benefit of his service in this body because even a Member of his transcending abilities is not permitted freedom of action. He is but an illustration of what is going on in this body on all hands. There are many more like him; if not in the matter of high mental attainment, they join him in love of country and respect for the fundamental principles of its government. Why did he do it? Who is to secure any rate of protection embodied in the pending bill? Was it any gain in primary advantage to the people he represents that this stultification was brought about? No, my friends, it was not any favors carried in the bill for the people of his district; nor are the millions the measure will pour into the coffers of the few to which its benefits will go. Oh, no! He had to do it in order that he might obey the mandate issued by the influences that control this special session of Congress. He had to do it in order to be in good standing as a Republican in the year of our Lord 1929! [Applause.]

What price partisanship? [Applause.]

Mr. McLAUGHLIN. Mr. Chairman, I move that all debate upon this amendment and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the pending amendment.

The amendment was agreed to.

Mr. WATSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. WATSON: Page 37, line 18, strike out "toys" and the comma following such word.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLACK. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman and gentlemen of the committee, my good Christian friend from Minnesota, Mr. KVALE, has an idea in his head that he can throw a rock at this committee. I warn him that if he throws a rock at this hard-boiled committee, he is liable to be arrested for cruelty to rocks. They would take that rock, split it up between three of them—Mr. HAWLEY, Mr. BACHARACH, and Mr. CROWTHER—paint it in gold, and sell it out to the farmer as gold bricks. My friend, Mr. GARBER, said that the Democrats have no remedy. Well, you know that there is no remedy without a right, and no right without a remedy, and under the rule now prevailing the Democrats have no rights, so why should we have any remedy? We have been calling this a steam roller, but this is not a steam roller that is working. This is a juggernaut that is riding on top of the American people.

There is a show in New York called She Got What She Wanted. On a superscale the same show is being put on here, the Republican contributors playing the star rôles. In this bill "they get what they wanted."

The tariff pigs in the economic trough make Ellis Parker Butler's book, Pigs Is Pigs, read like a birth-control pamphlet. [Laughter.]

The House by this bill takes a lower rank than some other parliamentary body, so called. To get that rank you discount zero. Grand larceny by this bill gets the imprimatur of the highest—alleged—legislative body in the world. Pickpockets lying in dungeons vile must feel angelic compared to the perpetrators of this titanic thievery.

The Republicans had Hoover's picture in every kitchen during the last campaign. Now they have their claws in every kitchen stealing the children's sugar out of Mellon's aluminum pots. I suppose my friend from Oklahoma [Mr. GARBER] would call that chivalry.

The leaders of this House are just master Fagins showing green Oliver Twists how to do the trick for their lord and master, Grundy. You will wipe out the consumer's budget by this bill, but you will also wipe 100 Republican names from the congressional pay roll. [Applause and laughter.]

I yield back the remainder of my time.

Mr. BOYLAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOYLAN. I would like to be informed by the gentleman who proposed the amendment what is the purpose and effect of it? Is it desired to tax the babies' rattles?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. BOYLAN. I would like an explanation of the amendment.

The CHAIRMAN. Does the gentleman desire recognition?

Mr. BOYLAN. I am asking for information. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman's inquiry is not a parliamentary inquiry.

Mr. BOYLAN. I move to strike out the last five words.

The CHAIRMAN. The gentleman is recognized.

Mr. BOYLAN. Mr. Chairman, I just rise to make an interrogatory as to the effect of this amendment.

I want to know if the purpose of this amendment is to tax the baby's rattle, as if it were not taxed enough? Now, what is the purpose?

Mr. WATSON. It is to make the rate of duty similar to that generally on children's toys.

Mr. BOYLAN. The gentleman has stated the effect of his amendment, but it is not intelligible. Will he elucidate it? Does it increase the duty or reduce the duty or eliminate the duty?

Mr. WATSON. The change reduces the duty.

Mr. BOYLAN. I am not particularly enlightened about it. But I suppose it does not make any difference. [Laughter.]

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. WATSON. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. WATSON: Page 37, line 1, strike out "toys" and the comma following such word.

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The committee amendment was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Michigan, a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. McLAUGHLIN: Page 147, line 13, after the word "blackface," insert "black Spanish."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McLAUGHLIN: Page 147, line 14, after "whatever," insert "blood or."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McLAUGHLIN: Page 148, line 4, after "coverings," insert "or in the manufacture of knit or felt boots or heavy-fulled lumbermen's socks"; page 148, line 9, after "coverings," insert "or knit or felt boots or heavy-fulled lumbermen's socks."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McLAUGHLIN: Page 156, strike out lines 17, 18, and 19, and insert in lieu thereof:

"(c) All other floor coverings, including mats and druggets, wholly or in chief value of wool, not specially provided for, valued at not more than 40 cents per square foot, 30 per cent ad valorem; valued at more than 40 cents per square foot, 60 per cent ad valorem."

Mr. COLLIER. Mr. Chairman, I want to ask the gentleman from Michigan a question. I think this woolen schedule is the most indefensible one in this bill. It will cut more deeply into the pockets of the American people than any other schedule in the bill.

Will the gentleman tell me how much is the average rate on woolen fabrics, clothing, and knit underwear and blankets? How much is the general average over the Fordney-McCumber Act, and how much under, if any at all, is it in comparison with the Payne-Aldrich Act, Schedule K, on which the campaign of 1910 and that of 1912 were waged?

Mr. McLAUGHLIN. One commodity seems to require an increase, another a still higher increase, while some required and have received reductions. Now just what is the total or average is to me entirely immaterial. I have given no attention to averages. We have taken up each schedule, each paragraph by itself, and the committee working with me has given each one what seemed proper or necessary.

Mr. COLLIER. The gentleman is a fair man and always tries to give the House the best information he has got on this and every other question. But surely the gentleman in charge of the woolen schedule can tell whether blankets, which will cover us from the chills of winter, and whether section 115, referring to clothing of various kinds, and underwear are raised above the rates of the Fordney-McCumber bill and how much you have raised it. The gentleman ought to be able to answer with reference to these three articles which are so much in common use.

Mr. McLAUGHLIN. I will say to the gentleman, we first considered whether or not it would be right to raise the basic rate of duty on importations of wool. There was demand for an increase, a very large increase, from some parts of the country.

The committee denied the large increase but found it proper to make a comparatively small increase. For years the duty has been 31 cents a pound. Demand was made for an increase to 36, 38, and even 40 cents a pound; but the committee recommended an increase of 3 cents to 34 cents a pound.

Now, in providing duties on fabrics made or composed of wool it was found necessary to make some increases in compensatory and ad valorem rates. We have, however, made only such increases of compensatory rates as are necessary on account of the increase of the duty on wool itself. We have given some increases in ad valorem or what we call protective rates. Those increases were based solely on the proposition of providing for the difference between costs of production here and abroad, and we had copious and definite figures as to the cost of production here and in the competing countries. We have given only such increases and only as found to be necessary to take care of the difference between the home and foreign cost of conversion, largely labor costs. Some protective or ad valorem rates were increased and some were decreased; some were increased higher than others, and I attach no importance to the suggestion that we should have calculated what the average increase or decrease is. For example, let us suppose that all changes were increases, one increased 5 per cent, another 10 per cent, another 25 per cent, and still another 50 per cent. To find the average we must get the sum of these four rates and divide that sum by 4 and the result would be 22½ per cent as the average. Would that calculation and that result be any indication as to the character or value of the work of the committee? I do not think so, and am, therefore, unable to answer the gentleman's question.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. HADLEY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Washington offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 32, after line 12, insert the following new paragraphs:

"PAR. 96. Azides, fulminates, fulminating powder, and other like articles not specially provided for, 12½ cents per pound.

"PAR. 97. Dynamite and other high explosives, put up in sticks, cartridges, or other forms, suitable for blasting, 1¼ cents per pound."

Mr. LOZIER. Mr. Chairman, Saturday afternoon when the pending tariff bill was being considered, in the course of the debate on some items in the paper schedule, I asked the distinguished gentleman from New York [Mr. DAVENPORT] whether it is a sound and wise national policy for the United States to continue building the tariff wall between our country and Canada higher and higher, in view of the fact that Canada is our second-best customer, and furnishes a market each year for many million dollars worth of our surplus commodities. The gentleman from New York, whose ability I recognize and for whom I entertain a sentiment of admiration and good will, in answer to my inquiry stated, in substance, that in the enactment of these high tariff laws the United States Government was only exercising its sovereign rights as an independent Nation. I did not, and so do not, question the sovereign right and power of our Government to impose high duties on all imports, or to place an embargo against the importation of any foreign commodities into the United States. But, while conceding this abstract right and sovereign power, I nevertheless challenge the wisdom of exercising it.

Trade and commerce are becoming more and more international in their character and scope. Our agricultural and industrial development has been so rapid and tremendous that we have already reached the point where we are producing more commodities in our mills, factories, and farms than can be sold and consumed in the United States. Unless we can enlarge our foreign markets and send more of our commodities abroad, we will be compelled to reduce production and this will mean a reduction of profits. We can not continue to trade only among ourselves and swap dollars among one another, for this policy would mean that where one of our citizens makes a gain another one of our citizens suffers a loss. If our industrial, agricultural, and commercial activities are to continue to grow and prosper, we must reach out and get each year more and more foreign trade. We have already reached the saturation point in the United States, and we are producing a larger volume of commodities than we can ever hope to consume or absorb in our domestic markets. It is not a question of our sovereign

right or power, but it is a question of wise national policy that we are called upon to establish. We know that nations will not trade very long with a people who will not trade with them. If we erect high tariff barriers between the United States and other nations, these nations will of course retaliate and exclude our commodities from their markets.

Now, to be frank and honest among ourselves, it would be a great calamity to the American people if we should lose our Canadian market, or if our high tariff laws should provoke Canada to retaliate by the enactment of similar tariffs against the commodities that have been for the last hundred years freely flowing from the United States to Canada. I can conceive of no greater disaster that could come to our agricultural and industrial groups in America than that which would follow a tariff war between the United States and Canada. A great many people do not stop to think how much the Canadian market is worth to the people of the United States.

In the five years, 1923–1927, our average annual trade with Canada was as follows:

Exports from the United States to Canada	$590,000,000
Imports from Canada to United States	430,000,000
Average annual balance of trade in favor of the United States	160,000,000

So Canada is not only a good customer of the United States but one of our best customers. Every year we sell Canada more commodities than she sells us. In these same five years Canada exported to the outside world $1,120,000,000 worth of commodities, only 38 per cent of which, or products of the value of $430,000,000, came to the United States. Canadians have always bought more liberally of us than we have bought of them. In the five years from 1923 to 1927 Canada purchased abroad annually an average of $890,000,000 worth of commodities, 66 per cent of which—or $590,000,000 worth of her total imports—came from the United States, while we only took 38 per cent of the total of Canadian exports.

According to the Department of Commerce our trade with Canada in 1928 was as follows:

United States exports to Canada	$872,000,000
Canadian exports to United States	491,000,000
Balance of trade in favor of United States in 1928	381,000,000

Are the people of the United States ready or willing to give up this very valuable market for American agricultural and industrial products? I think not. Such a policy would not only be economically unsound but the essence of folly. If we continue to build the tariff wall against Canadian products higher and higher, we must expect Canada to retaliate and impose tariff barriers to prevent the flow of American products into Canada. We are bull bating and slapping one of our best customers and forcing the Canadian people to buy their agricultural and industrial commodities from other nations instead of buying them from the American people.

Though an integral part of the United Kingdom of Great Britain, Canada trades more freely with the United States than with the mother country. In 1927 66 per cent of all Canadian imports came from the United States and only 23 per cent from Great Britain and other parts of the British Empire. In other words, Canada is buying approximately three times as many commodities from the United States as she buys from that great commonwealth of nations known as the British Empire, although Canada is the fairest and brightest jewel in the galaxy of states that constitute that far-flung empire.

Only once since 1871—and that was in 1880—have exports of Canadian products to the United States exceeded the value of the products of the United States exported to Canada. During the last 60 years, and, of course, prior to that time, Canada has shown her friendship for the United States in many ways, especially by trading with us and buying our surplus commodities, although we have kept raising higher and higher the tariff walls against Canadian products sought to be imported into the United States.

But we can not with safety assume that Canada will continue this policy of self-abnegation, self-denial, and self-sacrifice indefinitely; and as our neighbor on the north has developed her manufacturing resources to the point where she is becoming more and more self-sustaining from an industrial standpoint, we must not be surprised if Canada fights our products in the same way we fight hers, and we must expect Canada to build tariff walls to keep our agricultural and industrial commodities out of Canadian markets. Undoubtedly Canada can build these tariff barriers just as easily and just as high as ours. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LOZIER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. HUGHES. Mr. Chairman, I object.

Mr. HADLEY and Mr. BANKHEAD rose.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word for the purpose of obtaining a little information from the gentleman from Washington.

Mr. HAWLEY. The gentleman from Washington, a member of the committee, is entitled to the floor if he asks recognition.

Mr. BANKHEAD. I did not understand that the gentleman from Washington desired recognition.

Mr. HADLEY. I simply desired to state the object of the amendment.

Mr. BANKHEAD. That was my only purpose in rising. I wanted the gentleman to make an explanation of the amendment.

Mr. HADLEY. I addressed the Chair for the purpose of stating that the pending amendment is offered to cure an omission in the bill as reported. It was the intention of the committee, and it so directed, that these two paragraphs as expressed in the pending amendment be transferred from the metal to the chemical schedule. This amendment effects that purpose. They are not in the bill at all, although they are in the current law, and this amendment, when adopted, will incorporate in the chemical schedule the identical language and the identical rates as they now stand in the present law under the metal schedule.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. HADLEY].

The amendment was agreed to.

Mr. HADLEY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. HADLEY: Page 32, after line 12, and after paragraphs 96 and 97, already inserted, insert a new paragraph, as follows:

"Paragraph 98: Wood tar and pitch of wood, and tar oil from wood, 1 cent per pound."

Mr. HADLEY. Mr. Chairman, the products just enumerated in the amendment as read are obtained by the distillation of wood and largely in the country of the pine areas where there is a great deal of waste material, stumps, and so forth, in the cut-over lands, which leaves material available for this purpose. This applies especially to some of the Southern States.

The items in the amendment are now on the free list and this transfers them to the dutiable list at 1 cent per pound.

It is true that 2 cents was asked at the hearings. The committee considered the matter very carefully and found that the demand for the products is increasing rapidly, largely because of their use in the reclaiming of rubber. It also found that the importations have been rapidly increasing and under the facts it ascertained as to the difference in cost of production, the committee was satisfied that 1 cent per pound would be a fair and reasonable differential, and therefore we submit the committee amendment on these premises.

Mr. LOZIER. Mr. Chairman, a few minutes ago, in speaking on another amendment, when my time expired I was discussing the folly of adopting such high-tariff rates as would inevitably involve the United States in a tariff war with the Dominion of Canada and result in the loss, by the American people, of the Canadian market, which is worth several hundred million dollars annually to the agricultural, manufacturing, mining, and commercial groups in the United States. I desire to make some additional observations on this subject.

For several years I have closely followed the trend of public opinion in Canada, for the reason that I felt that as a Member of this body I should not only know conditions at home but should familiarize myself with conditions abroad. I have observed a strong and rapidly growing sentiment in favor of enacting retaliatory tariff laws against American products. If we close our markets to Canadian products or build our tariff walls so high that they can not be scaled by Canadian products, then we must not be surprised or whimper or complain if Canada closes her markets against products from American farms, factories, mills, and mines.

Canada and other nations can play the high-tariff game as well as the United States, and I warn the Republican Members of this House who are supporting the pending tariff bill that you are adopting a short-sighted policy that will ultimately do irreparable injury to the industrial and agricultural groups of the United States. By the enactment of this measure you are breeding scabs and sowing dragons' teeth. The provisions of

this bill, like an evil spirit and an outraged conscience, will return to confuse and plague you. Boiled down, by this bill we are daring Canada to treat our products like we are treating hers. Unless we "quit kicking Canadian products around" by constantly increasing tariff schedules Canada will inevitably be forced, as a self-respecting and self-protecting nation, to treat our products the same way we treat hers.

It may be interesting at this point to know just how our trade with Canada stands for the last generation. Between 1901 and 1928, both years inclusive, our trade with Canada was as follows:

United States exports to Canada	$11,716,711,000
Canadian exports to the United States	6,737,629,000
Balance of trade in favor of the United States	4,982,082,000

The importance of the Canadian market will be appreciated when you stop to consider that in the last 28 years, as a result of our trade with Canada, the American people have drawn to the United States from Canada $5,000,000,000 of Canadian wealth and added that amount to our stock of national wealth. Who says that Canada has not been a good, a big, and a profitable customer of the United States, and who will insist on the United States raising our tariff wall to a height that will destroy, or practically destroy, our trade with Canada and deprive us of that valuable source of profit and national wealth?

We should not overlook the fact that the per capita wealth of Canada is $2,772, as compared with $2,918, the per capita wealth of the United States. In the last 30 years the progress of Canada has been steady and strong, and if the present rate of progress continues it will not be long until Canada will not have to depend on the United States for factory-made products, and as time goes on Canada will produce more and more of the products, industrial, or other kind that she needs, and will be more and more independent of the United States, and be in a better position to fight us with retaliatory tariff laws.

Suppose Canada should say to the United States, "We are going to give you the same treatment you give us," and enact tariff laws against our agricultural and industrial products, who would suffer the worse? Obviously the people of the United States, because in our trading with Canada we are getting annually several hundred million dollars "to boot." A tariff war with Canada would keep $872,000,000 worth of American commodities out of Canada and only $491,000,000 worth of Canadian products out of the United States. A tariff war with Canada would destroy our Canadian market for:

Value of American commodities sold in Canada annually

American-made or American-grown products:	
Bituminous coal	$57,000,000
Anthracite coal	40,000,000
Iron and steel	56,000,000
Machinery, other than agricultural	47,000,000
Agricultural machinery	11,000,000
Cotton	25,000,000
Wheat	[1] 40,000,000
Auto engines and parts	26,000,000
Passenger automobiles	13,000,000
Crude petroleum	18,000,000
Cotton manufactures	18,000,000
Rye	13,000,000
Oranges	8,000,000
Corn	7,000,000
Pork and oats	5,000,000
Beef and veal	3,000,000
Gasoline and naphtha	11,000,000
Chemicals	10,000,000

And I might enumerate numerous other commodities that are exported from the United States to Canada, and which in the aggregate are valued at many million dollars. Most certainly we need the Canadian market as much as Canada needs our market.

Now, in order that I may not be misunderstood, I want to say I realize that our wealth and resources are incomparably greater than the resources and wealth of Canada, and in a trade war, of course, the United States would win over Canada; but it would be a costly victory, because we would be destroying what is now the second best and which will ultimately become our best customer. We would be wrecking our best and most profitable market for our industrial and agricultural products. We would be damming up the stream which brings us several hundred million dollars of Canadian wealth each year. Yes; we could win in a tariff war with Canada, but it would cost us dearly and each year throw back on our home market farm and factory products of the value of approximately $1,000,000, which products we now readily sell at a satisfactory profit in Canada. Most certainly we would win in a tariff war with Canada, but the cost of that victory would come out of the pockets of the American people. The pending bill, if it becomes a law, will give a little temporary gain to our industrial classes, but in the end it will cost us dearly.

If we continue to build our tariff walls higher and higher, other nations will retaliate and erect tariff barriers against our agricultural and industrial products which will eventually bring economic disaster to the people of the United States. Instead of restricting our markets we should enlarge them. The more corn, wheat, beef, pork, lard, and other farm commodities we can sell abroad the more prosperous will be our American farmers. The more of our factory products we sell abroad, the richer will be our manufacturers. Gentlemen, you are pursuing a shortsighted policy. I appeal to you to think, to stop, look, and listen before you assess these indefensibly high-tariff duties against the common people of America and before you commit our Government irrevocably to a policy of economic, industrial, and agricultural isolation.

I am not considering this bill simply from the standpoint of to-day, to-morrow, or the next few years. I am considering it from the standpoint of the future. I am trying to foresee its operations; I am attempting to visualize its ultimate and far-reaching effects. It is more than a tariff bill; it is more than a measure to raise revenue and afford protection here and there to a favored few. You are by this bill declaring and establishing a national policy. You are saying to the nations of the world, "We want none of your commodities, none of your trade, none of your wealth, and none of your commerce." You are by this bill proclaiming to the world the eventual and ultimate withdrawal of the United States from the markets of the world, and that henceforth we as a people will trade only with one another, prey on one another, and live off of one another. A fatal policy; a crime against the great mass of common people in America and against millions of unborn men and women who will be consigned to hopeless penury by this policy of "splendid isolation" which you are now by your rates about to fasten on our people.

Mr. COOPER of Ohio. Will the gentleman yield to me for a question?

Mr. LOZIER. If the gentleman has a question that goes to the issue, I will be pleased to yield.

Mr. COOPER of Ohio. Is it not a fact that Canada to-day has a higher protective tariff for a great many of her industries than the United States?

Mr. LOZIER. Comparatively few.

Mr. COOPER of Ohio. A great many of them.

Mr. LOZIER. Only a few, and these high Canadian duties were enacted in retaliation for the evergrowing duties established by the United States against Canadian imports.

There is another phase of our trade relations with Canada that may place the people of the United States in a very trying situation if Canada should conclude to exercise her sovereign right and power to enact retaliatory tariff legislation. I refer to our paper industry. This is not only an industrial age, a motor-car age, a gasoline age, and an electrical age, but it is a newspaper and publishing age. We are depending more and more largely on Canada to supply us with wood pulp and newsprint paper. In 1927, the United States produced 2,320,860 tons of wood pulp, and in that year we imported 1,596,797 cords of pulp wood and 1,679,518 tons of wood pulp. We also imported that year 3,973,724,113 pounds of newsprint paper.

In 1927 the people of the United States paid Canada $97,500,000 for newsprint paper and $35,000,000 for wood pulp, or a total of $132,500,000 for wood pulp and newsprint paper. Of the 7,000,00,000 pounds of newsprint paper used in the United States in 1927, 4,000,000,000 pounds were imported and 3,000,000,000 pounds manufactured in our own country. Four-sevenths of all the newsprint paper used in 1927 in the United States was imported, largely from Canada, and a very considerable part of the 3,000,000,000 pounds manufactured in the United States was made from wood imported from Canada at a cost of $35,000,000.

Our supply of pulp wood is being rapidly exhausted and there is a strong sentiment in favor of conserving our young forests by letting them grow to maturity. Canada has a vast supply of pulp wood—spruce in the Province of Quebec, balsam and fir in Ontario, hemlock in New Brunswick, poplar in Nova Scotia, and jack pine in British Columbia. The investment in the Canadian pulp and paper industry approximates $600,000,000. The value of the 1927 Canadian output of pulp and paper was $282,888,089. There were 114 concerns engaged in this industry, employing 32,876 workmen, who were paid over $45,000,000 in wages. In that year the pulp and paper exports from Canada were valued at $176,633,728.

Now, for several years sentiment has been growing rapidly in Canada in favor of placing an export tax on wood pulp and pulp

[1] Average annual importation of wheat from Canada to the United States $18,000,000.

wood, which would almost amount to an embargo, or at least tremendously increase the price of these products to American users. The conservationists in Canada, like the conservationists in the United States, want to conserve their forests, and they look with alarm on the rapid destruction of the young trees which are used in the paper industry, and which, if undisturbed, would soon grow into mighty forests of almost inconceivable value.

A few years ago when it looked as though Canada would impose a heavy export duty on wood pulp and pulp wood the newspapers in the United States went into hysterics and filled their columns with loud and labored protests against Canada legislating for herself just like the people of the United States legislate for themselves.

When Canada concludes to use high tariff laws to protect her pulp-wood forests and to stimulate her own resources and industries, then the high-tariff boot will be on the other foot of the American industrialists.

I hold no brief for Canada. I do not assume to speak for her, but as a diligent though perhaps not an efficient student of public problems, I can foresee retaliatory action by Canada in the form of additional high tariff laws against the products of American farms, mines, mills, and factories. If the people of the United States continue to build higher and higher our tariff walls against Canadian products, thereby excluding these commodities from our market, then we must expect Canada, in self-defense, to retaliate and build her tariff walls against the products of our farms, factories, mills, and mines higher and higher. As a loyal American, I should very much regret to see a tariff war between these two great English-speaking nations. We ought to get closer together instead of pulling apart. Some reciprocal agreement ought to be worked out which would be mutually beneficial to both nations. Destiny has placed us side by side. We should be neighborly and cooperative, each aiding the other in working out our destinies. There is plenty of room for both in the economic activities of the world.

The United States is not the only nation that can enact high tariff laws, and just as sure as night follows day, just as certainly as the seasons come and go, just as surely will the other nations fight us with our own weapons and exclude our commodities from their markets by the methods we are using in excluding, in whole or in part, their products from our markets. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on the amendment offered by the gentleman from Washington.

The committee amendment was agreed to.

Mr. BACHARACH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 92, line 10, strike out "35" and insert in lieu thereof "40."

Mr. STOBBS. Mr. Chairman, this provides for an increase from 35 cents to 40 cents ad valorem in the duty on textile machinery. For something like 50 years the duty was 45 per cent, but was changed at the time of the last tariff bill.

The textile-machinery industry is very nearly allied to the textile industry. This is to protect American labor, which constitutes 70 per cent of the cost, in building textile machinery, which is threatened by foreign competition.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BACHARACH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 92, line 9, after the semicolon, insert "machines for knitting full-fashioned hosiery 45 per centum ad valorem."

Mr. ESTERLY. Mr. Chairman, I rise in support of the amendment. Full-fashioned knitting-machine manufacturing is a new industry which had its rise, perhaps, through an accident. In 1898 a knitting mill in Reading, Pa., burned down, and part of the plant devoted to full-fashioned hosiery manufacturing was partly salvaged. They had no place to go to have the machines repaired, and so they went to a small machine shop, located in the same city, to see whether these machines could be put back into working condition or not. They realized the time feature involved in sending them back to Germany, where the machines had been imported from. Some of the workmen in this small shop had originally come from Germany, where they had previously repaired some of these full-fashioned hosiery machines. They were given the contract, and this was the beginning of full-fashioned hosiery machines in America.

Up to 1900 there had been only about a thousand of these machines imported from Germany. After this small concern had demonstrated the fact that they could repair the machines they went into the business of making full-fashioned hosiery machines. It was an uphill fight because up to 1910 they were only able to sell 200 machines. At that time the principal character of hosiery sold was seamless hosiery and everybody seemed to object to having the seam in the sole and the seam up the back, which is the test of genuine full-fashioned hosiery.

It was a very hard struggle until the trade was educated by these American manufacturers. So at the present time the full-fashioned hose is desired as the best, not only for men but for women. I believe that is the main reason to-day for short skirts as the prevailing fashion at the present time. [Applause.]

I might mention the fact that fully 40 per cent of these machines are still imported from Europe.

Mr. ABERNETHY. Does the gentleman think that this tariff will make skirts still shorter?

Mr. ESTERLY. It is possible—anything can happen in America. [Laughter.] In 1928 the total number of pairs of hosiery manufactured in America was 41,500,000 dozen pairs and full-fashioned hosiery 27,000,000 pairs.

So that the tendency toward full-fashioned hosiery is growing all the time. By reason of the fact that this industry, which employs some 3,000 people, and the value of the product in America is nearly $8,000,000, and fully 60 per cent of the entire production cost goes into the cost of labor, it can readily be seen that we are protecting the home markets; and, after all, this is a session to protect the farmer, and it would not only help retain his present quota of consumers but give him a new market as the industry grows. With the present potential outlook of over $1,000,000 spent to consume of farm products by the employees of this industry we feel that the protection of 5 per cent additional tariff protection should be accorded these people so as to keep out foreign machines, which are flooding America.

Mr. BYRNS. How many concerns manufacture these machines?

Mr. ESTERLY. At the present time there are three in America; and I might say this to the gentleman: Had it not been for the fact that one of them, which is the major concern, produces other things, the making of full-fashioned knitting machines in America would be at an end, for the reason that for the first decade such a new, experimental business usually suffers a loss, and we would be paying all kinds of prices for the foreign machines.

Mr. BYRNS. Does the gentleman think that it will help the farmer to raise the price of hosiery by adopting a higher tariff for the protection of two or three concerns?

Mr. ESTERLY. This will not raise the price of hosiery. The records shows that hosiery has gone down from time to time by reason of the fact that the American manufacturer has developed the market and at the same time has constantly given better hosiery at less cost to the consumer.

Mr. BYRNS. But somebody has to pay the increased cost if you increase the cost of the machines.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McREYNOLDS. Mr. Chairman, ladies, and gentlemen of the committee, I am exceedingly surprised that this committee has recommended this increase. At present, there is a 40 per cent duty on full-fashioned hosiery machines. The full-fashioned machine is a complicated machine. It is about 38 feet long with thousands of pieces. The circular machine is a very small machine. The gentleman who has just addressed you is connected with the Berkshire Knitting Mills of Reading, Pa.

Mr. ESTERLY. And, Mr. Chairman, I am very happy because of that fact.

Mr. McREYNOLDS. I suppose the gentleman must be, because he recounts it in his biography. There are only two concerns that make full-fashioned machines in the United States. The gentleman says three. But the record shows that those other people have not manufactured any yet. The concern that the gentleman is connected with, the people from his town, have a monopoly on the full-fashioned machines. I refer to the Textile Machine Works of Reading, Pa., because they manufacture at least 90 per cent and more of those manufactured in this country and the gentleman knows it, and what more do they do? The same stockholders own the Berkshire Knitting Mills, with which the gentleman is connected, and they are the largest manufacturers of full-fashioned hosiery in this country. It is easy for these people who have a monopoly of building full-fashioned hosiery machines in this country to transfer to their knitting mill these machines at cost, or other-

wise, and take their profit from either or both. Every gentleman who represents a district where they make full-fashioned hosiery is in competition with the Berkshire Machinery Co. of Reading, the owners of which are the people now asking an increase in the tariff on full-fashioned machines. The gentleman did not tell you that it costs more in this country to make these machines, and that they are selling them at a loss, because it is not true. Last year there was imported only 40 per cent, but to-day, sir, your concern in Reading, showing that it is prosperous under present conditions, are quoting delivery not until August, 1930. The German machines imported to this country are sold at a higher price than the gentleman's firm gets for his, and 18 per cent of the machines that are imported into this country are of that character and not made here.

Mr. ABERNETHY. Can this in any way benefit the farmer?

Mr. McREYNOLDS. If the gentleman will sit down, I will answer him after I get through. I say this: Whenever a man buys machinery, and your farmers and your farmers' daughters wear full-fashioned silk hosiery, the charge will be carried on to them, if you permit this outrage. [Applause.]

The gentleman from North Carolina, representing Ashboro, in that State, where they use full-fashioned machinery, is affected by this. Blackwood, N. J., is affected by this, also Bloomfield, N. J.; Fort Wayne, Ind.; Grand Rapids, Mich.; Durham, N. C.; Springfield, Mass.; and also towns in California, Pennsylvania, North Carolina, Indiana, Wisconsin—all of you people, when you vote for this increase in the tariff, are putting your people up against a competitor on full-fashioned hosiery. Why do they need more protection? Examine the records closely, and I ask gentlemen to correct me if I am not right, and you will find no statement where they show the cost of their machinery or their output.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. McREYNOLDS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McREYNOLDS. All of you gentlemen present ought to be interested in this matter. The tariff of 40 per cent is already on this machinery, and since the committee refused in the first place to raise this tariff after the hearings, I often wondered why they recommend this amendment. The gentleman who has just addressed you [Mr. ESTERLY], who is connected with these mills, lives in the adjoining district and adjoining county to the gentleman from Pennsylvania [Mr. WATSON], who is on the subcommittee that made this recommendation. Now, we have the evidence of the importer and the evidence of the manufacturer. Ought we not to consult the consumer, the man who has to buy these machines?

I hold in my hand here two or three telegrams from manufacturers of full-fashined hosiery. These people who manufacture the knitting machines do not make the 48-gage machine. For that you have to go to Germany to get that kind of machine. There is a gentleman at this moment sitting in the gallery up there who told me he could not get them here.

Mr. ESTERLY. Here [exhibiting] is a pair of socks, a product made by the 48-gage machine. Look it over.

Mr. McREYNOLDS. How do I know you made it?

Mr. ESTERLY. I will pay the gentleman's expenses to enable him to go up there and see for himself that they have 100 installed.

Mr. McREYNOLDS. The gentleman I referred to said they could not get such machines delivered within one year, and yet he went to Germany and got them, but you certainly do not make 50 and 52 gage—what is meant by 50 or 52 gage is that many needles to the inch. The textile-machine works are charged with selling their machines in Canada at a 25 per cent discount. This they deny, but admit they are giving a discount of 7½ per cent.

Mr. ESTERLY. That is merely a manufacturer's courtesy.

Mr. McREYNOLDS. They are at least selling at 7½ per cent discount. It is not a manufacturer's courtesy. The consumer, the man whom the gentleman represents, says they have to pay more for the same class of machines. I hold in my hand two telegrams, one from the Davenport Hosiery Mill and the other from the Richmond Hosiery Mill, both of Chattanooga, Tenn., in which they state that they paid approximately $800 to $1,000 more for the German-made machines than the American-made machines, because they suit their purpose. This certainly indicates a sufficient margin of profit without legislating further in their behalf.

These people, at present, have a monopoly, and they are asking you to encourage and aid that monopoly. They not only control the manufacture and output of the full-fashioned machinery made in this country, but they own the Berkshire Knitting Mills, which is the largest producer of full-fashioned hosiery in this country, having in that mill 1,800 machines, and when you consider that one of these machines costs other manufacturers from $6,800 to $10,000, you can readily see their advantages. Their profits can be taken from either ledger, and yet they want further protection. It is unfair, it is unjust, and I feel that it is practically dishonest.

Mr. CRISP. May I ask the gentleman from Tennessee what is the duty on this machinery under the present tariff?

Mr. McREYNOLDS. Forty per cent, and they desire to raise it to 45 per cent.

The gentleman from Pennsylvania refers to the German-made machines as competitors. I have great respect for the German people, but these people who run the textile machine works at Reading are Germans. They may be American citizens. I do not know. But they speak German in their mills.

Mr. ESTERLY. The gentleman is wrong. They speak English.

Mr. McREYNOLDS. I know they speak English; but among themselves they speak German.

If you increase this tariff you work a great hardship on the American hosiery manufacturers, who use these machines, and you create for the Textile Machine Works, of Reading, Pa., a monopoly. This company now practically controls the output in this country, and an increase in tariff is for this one company, which has grown and prospered under the present tariff law and to the detriment of most of the many American hosiery manufacturers throughout this country.

As a matter of fact, as before stated, the imported machine sells for a higher price than the domestic machine, and such higher price can be secured only because the imported machines are especially constructed with greater attention to detail and accuracy of operation, as required by the conditions existing in the American manufacture of full-fashioned hosiery.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. BACHARACH].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. McREYNOLDS. Mr. Chairman, I call for a division.

The CHAIRMAN. The gentleman from Tennessee calls for a division.

The committee divided; and there were—ayes 93, noes 78.

Mr. McREYNOLDS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. HAWLEY and Mr. McREYNOLDS to act as tellers.

The committee again divided; and the tellers reported—ayes 131, noes 81.

So the committee amendment was agreed to.

Mr. BACHARACH. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. BACHARACH: Page 101, lines 3 and 4, strike out "reamers, taps, dies."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BACHARACH. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. BACHARACH: Page 75, line 9, strike out "1 cent" and insert in lieu thereof "2 cents."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. DAVENPORT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. DAVENPORT: Page 164, lines 19 and 20, strike out "printed or unprinted."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. RAMSEYER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. RAMSEYER: Page 125, strike out lines 13 to 25, and lines 1 and 2 on page 126, and insert in lieu thereof the following:

"PAR. 775. (a) Cocoa and chocolate, unsweetened, 3 cents per pound on net weight.

"(b) Cocoa and chocolate, sweetened, prepared in any manner, 40 per cent ad valorem.

"(c) Cacao butter, 25 per cent ad valorem."

Mr. RAMSEYER. Mr. Chairman, this is simply a simplifying amendment. As it is in the bill, it has a number of brackets, and we have reduced the number of brackets without any material change in rates.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. TREADWAY: Page 138, line 13, strike out "35" and insert in lieu thereof "37½."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. FREAR. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Wisconsin offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. FREAR: Page 104, line 23, after the semicolon, insert: "bent-wood furniture, wholly or partly finished, 55 per cent ad valorem."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. CROWTHER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. CROWTHER: Page 176, line 19, strike out "Ramie hat braids," and insert in lieu thereof "Hat braids, wholly of ramie"; page 176, line 20, strike out "ramie hat braids," and insert in lieu thereof "hat braids wholly of ramie."

Mr. CELLER. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again read the amendment.

Mr. CROWTHER. Mr. Chairman, this is merely a clarification of language. Last year 5,000,000 yards of these materials came into this country and displaced materials made here, and this was because of a mistaken classification. There is no change in the duty.

Mr. CELLER. I will say to the gentleman that I have several of these plants in my district and I wanted to be sure what the amendment was.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. CROWTHER. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. CROWTHER: Page 195, line 13, strike out the period and insert a semicolon and the following: "All the foregoing composed in whole or in part of elastic fabrics, 75 per cent ad valorem; elastic fabrics of whatever material composed, knit, woven, or braided, in part of India rubber, more than 12 inches in width, 60 per cent ad valorem."

The CHAIRMAN (Mr. MICHENER). The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. CROWTHER. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. CROWTHER: Page 205, line 11, before the word "wood," insert the words "or other," and strike out the word "brier" before "root"; page 205, strike out all of lines 14, 15, and 16 and insert in lieu thereof "pipes, pipe bowls"; page 205, line 21, after the word "unbored," insert a comma and the following: "5 cents each and 60 per cent ad valorem."

Mr. CELLER. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I shall vote for the bill as it is finally presented to the House. I have appeared before the committee on various and sundry items seeking protection where I felt that certain items needed protection to equal the difference between the cost of production here and abroad, but I think that on the question of pipes and cigarette holders the duty you are giving these pipe manufacturers and cigarette manufacturers is greater than would equal the difference between the cost of production here and abroad and amounts to an embargo. One of the amendments offered by the committee, particularly on cigarette holders, I believe, is woefully disproportionate to what is actually needed. I am willing to protect, but not willing to prohibit. I do not believe—and I say this advisedly—that the importers of pipes and cigarette holders were properly represented before the committee. I have taken occasion to read some of the hearings and I have had conversations with some of the importers, and I do not think, particularly within the last few weeks, they have had their side properly presented before the members of the subcommittee, and I had hoped an opportunity would have been given to the cigarette and smoking article importers to adequately and properly present their side of the case to the members of the subcommittee.

Undoubtedly a grievous mistake has been made by the committee in putting a compound rate on pipes of brierwood, to wit, 5 cents apiece plus 60 per cent ad valorem. I am not so much concerned with the expensive pipe. I am, however, disturbed with the prospect of such a heavy duty on pipes that formerly sold for 25 cents. Such a brierwood pipe at these rates is a thing of the past. There was no need for such a high rate in order to give protection. When one figures that the foreign value according to figures supplied by the Tariff Commission in its summary of tariff information shows as to French pipes a value of 68 cents per dozen, as to Italian pipes 53 cents per dozen, which makes the value of the French pipe a little more than 5⅔ cents and the Italian pipes a little less than 4½ cents, one can see that the compound duty of 5 cents a piece plus 60 per cent ad valorem gives you for all intents and purposes a practical duty of 160 per cent. This is an increase over the old rate of 166⅔ per cent. This is outrageous. It is protection run amuck. Furthermore, the Tariff Commission informs us that brierwood pipes having a total value of $5,800,000, representing 90 per cent of the total output of the domestic industry, were produced in six larger plants, five of which are in New York City and one in Chicago. This shows the apparent monopoly of domestic pipe industry.

The extortionate higher duty will greatly foster this monopoly. Schulte Cigar Co., which already controls the Alfred Dunhill & Co. (Inc.), of London, and United Cigar Stores Co. have combined. They practically control retail distribution of cigars and tobacco, and through their ownership of William C. Demuth & Co. and Kaufman Bros. & Bondy, and other pipe manufacturers practically control and monopolize the domestic manufacture and market for pipes and cigarette holders. The only competition there was came from a few minor importers. Now they are to be shut out. The total imports of pipes other than clay pipes in 1928 amounted to only $746,788. Much of this was high-priced pipes from England, because of the increasing sale of expensive pipes like Dunhill pipes. The average foreign value of the imported pipe was $1.38 per dozen.

When the bill was first presented to the House it contained no change in the cigarette-holder schedule. Apparently "in camera" these schedules on cigarette holders are to be disproportionately increased. In the bill as originally reported there was no increase on cigarette and cigar holders. Now we find, in face of a declining importation—the imports of cigar and cigarette holders dropped 60 per cent in 1928 as against 1927—an increase of duty of 5 cents apiece plus 60 per cent ad valorem. It is difficult to understand how this new rate was determined. In any event this rate should have been much lower than the rate on pipes where the labor is much greater.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. CROWTHER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. CROWTHER: Page 197, line 4, after "horsehides," insert "or cowhides (except calfskins)."

The amendment was agreed to.

Mr. CROWTHER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. CROWTHER: Page 185, line 4, strike out "60" and insert in lieu thereof "50."

The amendment was agreed to.

Mr. CROWTHER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. Crowther: Page 176, strike out lines 22 to 24, inclusive; page 177, strike out lines 1 to 4, inclusive; page 197, strike out lines 13 to 18, inclusive.

Page 195, strike out lines 14 to 19, inclusive, and insert:

"Par. 1531. (a) Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or dried, salted, or pickled, 10 per cent advalorem.

"(b) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of cattle of the bovine species:

"(1) Sole or belting leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, or belting, 12½ per cent ad valorem;

"(2) leather welting, 12½ per cent ad valorem;

"(3) leather to be used in the manufacture of harness or saddlery, 12½ per cent ad valorem;

"(4) side upper leather (including grains and splits), patent leather, and leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 15 per cent ad valorem;

"(5) Upholstery, collar, bag, case, glove, garment, or strap leather, in the rough, in the white, crust, or russet, partly finished, or finished, 20 per cent ad valorum;

"(6) Leather to be used in the manufacture of footballs, basket balls, soccer balls, or medicine balls, 20 per cent ad valorum.

"(7) All other, rough, partly finished, finished, or curried, not specially provided for, 15 per cent ad valorem.

"(c) Leather (except leather provided for in subparagraph (d) of this paragraph), made from hides or skins of animals (including fish, reptiles, and birds, but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished, 25 per cent ad valorem; if imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, 10 per cent ad valorem.

"(d) Leather of all kinds, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied, 30 per cent ad valorem.

"(e) Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for, 20 per cent ad valorem; boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon, silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other materials, 35 per cent ad valorem.

"(f) Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 35 per cent ad valorem; saddles made wholly or in part of pigskin or imitation pigskin, 35 per cent ad valorem; saddles and harness, not especially provided for, parts thereof, except metal parts, and leather shoe laces, finished or unfinished, 15 per cent ad valorem.

"(g) The Secretary of the Treasury shall prescribe methods and regulations for carrying out the provisions of this paragraph,

Mr. LAGUARDIA. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order for the purpose of getting an interpretation of the rule under which we are operating. The committee amendment covers several sections of the bill in one amendment. I sought to get such an interpretation yesterday when I offered an amendment to the sugar amendment on the ground that the committee had offered an amendment to another section in the same schedule. It seems to me that under the ruling of the Chair of Saturday the committee would be precluded from offering amendments to several sections in one amendment.

The CHAIRMAN (Mr. MICHENER). The committee gets its privilege from the rule under which we are operating.

Mr. LAGUARDIA. Exactly.

The CHAIRMAN. And in the opinion of the Chair the committee amendment, as suggested, comes within the rule under which we are operating.

The ruling of last Saturday to which the gentleman from New York refers was based on a different proposition entirely. The gentleman's question Saturday had to do entirely with the matter of germaneness. The gentleman from New York attempted to amend a part of the bill which was not affected and was not included in the committee amendment.

Mr. LAGUARDIA. But within the same schedule.

The CHAIRMAN. The Chair then held that the gentleman from New York had a perfect right to amend the committee amendment but could go no further.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BANKHEAD. The proposed amendment offered by the committee, including as it does three different substantive propositions, under the rules of the House I propound the inquiry to the Chair whether or not they are divisible into their respective substantive branches; and if so, I demand a division of the question upon the three proposed amendments.

The CHAIRMAN. Under the rules of the House a motion to strike out and insert is indivisible.

Mr. HUDSPETH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDSPETH. The gentleman from New York has offered an amendment, including paragraphs 1531 (e), (f), (g), 2, 3, and so forth, and I want to ask the Chair when it will be in order to offer an amendment to paragraph 1531, subdivision (a), which is the first part of the amendment offered by the gentleman from New York.

The CHAIRMAN. Does the gentleman refer to the committee amendment or to the bill?

Mr. HUDSPETH. The committee amendment. I desire to offer an amendment to the committee amendment.

The CHAIRMAN. Any germane amendment to the committee amendment may be offered at such time as the gentleman is recognized for that purpose.

Mr. HUDSPETH. I would like to offer an amendment after the gentleman has been heard.

Mr. CRISP and Mr. COLLIER rose.

Mr. CRISP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRISP. Following the inquiry of the gentleman from Alabama, under the rules of the House with which the Chair is familiar, where the House is called upon to vote upon any amendment containing different, substantive propositions, it is divisible because the House may prefer to adopt one of the propositions and reject the others, and I think the precedents are unbroken that where different, substantive propositions are involved, it is divisible. I am familiar with the citation of the Chair that a motion or amendment to strike out and insert is not divisible; but may I ask for information, is not the ruling there that where the amendment moves to strike out and insert you can not divide the question as to whether you will strike out and vote solely on whether you will strike out and then follow that by voting upon whether or not you will insert. That is my parliamentary inquiry.

The CHAIRMAN (Mr. MICHENER). The Chair is prepared to answer the parliamentary inquiry.

Under the interpretation of the rule stated by the Chair, a motion to strike out and insert is indivisible, and the decisions sustain the plain language of the rule. The Chair has examined the decision of Speaker Orr, found in Hinds Precedents, Volume V, section 6125, and the decision of Speaker pro tempore Dalzell, Volume V, section 6128, and they bear out the construction the Chair has given to the first part of clause 7 of Rule XVI. Of course, there is a way by which the result which the gentleman is seeking may be obtained,

and that would be to proceed to amend the committee amendment.

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. Mr. Chairman, I would like to know if it would be in order to offer an amendment to the motion of the gentleman from New York to strike out that part of his amendment that relates to the tariff of 20 per cent on boots and shoes.

The CHAIRMAN. The Chair thinks the gentleman would be within the rule if he made the motion to amend any part of the committee amendment at any time, provided he was recognized for that purpose.

Mr. HUDSPETH. Would that take precedence over a motion to strike out and insert in one subdivision of this committee amendment? Would the motion suggested by the gentleman from Mississippi take precedence over a motion to strike out and insert in a certain subdivision of the committee amendment?

The CHAIRMAN. A motion to strike out and insert in this case would be a perfecting amendment and would be entitled to precedence.

Mr. HUDSPETH. Then I desire to make that motion.

Mr. CROWTHER. Mr. Chairman, this subject will take a long time to discuss and I ask to proceed for 10 minutes.

The CHAIRMAN. The gentleman from New York asks to proceed for 10 minutes. Is there objection?

Mr. COCHRAN of Missouri. Reserving the right to object, does the gentleman propose to proceed with the discussion and then move to shut off debate?

Mr. CROWTHER. I am not going to move to shut off debate. That is a matter for the chairman of the Ways and Means Committee.

Mr. HAWLEY. We will not close debate until there has been a reasonable debate.

Mr. CROWTHER. Mr. Chairman and ladies and gentlemen of the committee. The reason for presenting this as one amendment is the fact that the subjects are corelated, beginning, of course, with hides and passing on to leather, and the first group of leather is the group of the bovine species with all the trade names that can be put in and such as are used for the purpose of classification.

The next clause refers to leather made from hides of animals not of the bovine species, including fish, reptiles, and birds. The next clause refers to decorated or fancy leather, and the raw material for this class of leather is found in both the preceding groups.

The other class is goat, sheep, kid, wallaby, seal, and so forth, including perhaps 50 other trade names.

Following that clause comes the boot, shoe, and other footwear amendment; then section (f), which is the harness amendment, in which there is very little change in language from that presented in the revision which you have before you. Lastly, there is the paragraph saying "the Secretary of the Treasury shall prescribe rules and regulations for carrying out these provisions."* That is put in for the reason that the burden of proof is placed in two or three instances on the importer as to what the imported leathers are to be used for. For instance, we find a grade of leather in clause (d) where the duty is placed at 25 per cent; if imported for conversion into boots, shoes, and footwear it carries a duty of only 10 per cent. As the skins used in this production are on the free list, this rate keeps them as nearly in line as possible with the sole and calf and kip in clause (b).

It is with some embarrassment that I approach the discussion of this subject, and I will tell you why. The reason is that the basic duty of 10 per cent on hides is not at all in line with my idea of what a protective duty ought to be on a farm product. [Applause.] But the committee said, "This is the best that we can do after consultation and agreement, 10 per cent on hides and not more than 20 per cent on shoes." On leather you will have to distribute it over the intermediate products as best you can. There are several methods of processing hides, and in order to build shoes we must have several different types of leather.

We have tried to get the figures from the Tariff Commission and the leather manufacturers that would enable us to figure out compensatory rates. The problem is a difficult one to solve. No two experts or authorities agreed on this subject.

The Tariff Commission secure their information from manufacturers and we get it second hand from the Tariff Commission, both as to costs here and abroad. I have here some rules suggested by Mr. Brossard, of the Tariff Commission. He describes several methods to be used in calculating compensatory duties on various classes of leather products made from hides or skins of cattle of the bovine species, provided there was a 10 per cent ad valorem duty placed upon them, and I insert them at this point:

1. Determine the quantity of leather, pounds or square feet, produced from 100 pounds of imported hides or skins.

2. Determine from import statistics the average price per pound of the raw material, hides or skins. The weighted average value of imported green cattle hides (1924–1928) was $0.1713 per pound or $17.13 per 100 pounds.

3. Calculate the amount of duty that would be collected on the raw material providing the rate of duty was 10 per cent ad valorem. (Ten per cent of $17.13 per 100 pounds equal $1.713 per 100 pounds.)

4. Determine from the import statistics the average value of each class of imported leather, in cents per pound or per square foot, or in dollars per hundred pounds or per hundred square feet.

5. To determine the compensatory specific duty on each class of leather, provided there is a 10 per cent ad valorem duty on cattle hides and calfskins, the amount of duty collected on 100 pounds of raw material imported is divided by the quantity of leather produced from 100 pounds of the imported raw material.

6. To determine the compensatory ad valorem duty from the compensatory specific duty ascertained as in paragraph 5, the specific duty per pound or per square foot is divided by the average value per pound or per square foot of each class of imported leather under consideration.

The accompanying table illustrates the method of calculating compensatory duties for some of the classes of imported leather produced from cattle hides and calfskins.

The following table is based on the foregoing:

Basis of duty on hides and a compensatory duty on leather (assumed duty on cattle hides and calf skins, 10 per cent ad valorem)

Leather classification	1 Units of quantity	2 Quantity of leather, pounds or square feet produced from 100 pounds of imported green cattle hides or calf skins [1]	3 Weighted average value of imported green cattle hides or green calf skins (1924–1928)	4 Amount of duty per 100 pounds of cattle hides or calf skins at assumed rate of 10 per cent ad valorem	5 Value per pound or square foot of imported leather. (Weighted average of imports 1924–1928)	Compensatory duty on leather	
						6 Specific column 4 divided by column 2	7 Computed ad valorem column 6 divided by column 5
							Per cent
Sole leather	Pounds	66⅔	$0.1713	$1.713	$0.3675	$0.026	7.07
Belting leather	do	70	.1713	1.713	.7376	.024	3.25
Harness leather	do	70	.1713	1.713	.4174	.024	5.75
Bag, case, and strap leather	Square feet	90	.1713	1.713	.5111	.019	3.72
Upholstery leather	do	85	.1713	1.713	.3402	.020	5.88
Side upper leather	do	77	.1713	1.713	.2158	.022	10.19
Patent side leather	do	78	.1713	1.713	.3643	.022	6.04
Calf and whole kip leather	do	110	.2618	2.618	.3610	.024	6.65

[1] On the basis of duty furnished by tanneries on each of the leather classifications.

We have fixed the sole-leather duty at 12½ per cent in this spread from 10 to 20. The best figures that we are able to procure show that it requires a compensatory rate of seven and a fraction cents to cover sole-leather production. In the calf and kip leather and upper side leather it takes ten and a fraction cents, and we have given the calf and kip leather 15 per cent, with 10 per cent for hides. Hides are 10 per cent ad valorem. Sole leather, the first rough product, is 12½, calf and kip and upper side leather for uppers is 15, and there is a 20 per cent ad valorem duty on shoes.

There is going to be a great deal of discussion here about whether or not the 20 per cent is a protective duty on the

shoes, and there will be a good deal of discussion as to how many pairs of shoes there are in a hide. I believe from the investigation that I have made that if the shoe manufacturer were also a tanner and bought the hides and made his own leather, the differential that he would need for protection on his shoes would be only about equal to the duty that was assessed on the raw hides, but I think that this condition seldom exists. I do not know of a shoe manufacturer who is also a tanner who buys raw hides and makes his own leather. The shoe manufacturer buys his hides from the leather manufacturer, and I am sorry to say that he does not always buy his hides from the leather man in the United States. He buys his leather from a man far across the sea, where they have a wage scale that is only about one-fifth to one-third to what the wage scale is in America. One of the greatest producers of men's shoes in this country to-day uses a great proportion of leather that he imports from Germany, and he sells shoes at a tremendously high price in this country and makes great profits.

I have made the statement that this 10 per cent is not a protective duty on hides, and I am concerned as to that angle of the proposition.

Gentlemen of the committee, you know that I am a high protectionist. I never want to create an embargo against foreign products, but I do want to make it reasonably difficult for the manufacturers across the water to come in here and flood our markets with merchandise produced by workmen who just barely exist on the low wages they receive, and gradually drive the American producer to the wall. I am for the producers in the United States. [Applause.] I want to make it as easy for him as possible to raise his family and get ahead. I believe we owe something to our own people. I realize what the gentleman from Missouri referred to to-day, and we have all read those figures in the Department of Commerce report, which comes to us regularly. Our trade relations with Canada are of course very important.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CROWTHER. I realize the importance of international trade. Let me say to the gentleman from Missouri that he, with a great many other people, are complaining about the burdens that our farmers labor under. There is in Canada, against us in the United States, the duty of 25 per cent on tongued-and-grooved lumber. Unfinished lumber is free. When you buy tongue-and-groove lumber, such as flooring, there is a duty of 25 per cent on it. There is a great deal of complaint about the duty that this bill carries on brick of $1.25 a thousand. Canada carries a duty on building brick of 22½ per cent, our duty is about 8½ per cent, and gentlemen ought not to forget that Canada carries a duty against the world of 30 per cent on shoes and of 17½ per cent against us on our sole leather.

Mr. HUDSPETH. Ad valorem?

Mr. CROWTHER. Ad valorem. Their duties are nearly all ad valorem duties, and they are arranged in three columns. There is a British preferential, there is the intermediate duty, and then there is a general duty against the world.

Now, I know that this rate does not satisfy my good colleague from Texas [Mr. HUDSPETH], and it does not satisfy me, but it was the best that we could get. They gave us a little piece of cloth and said, "Here, go and make yourself a pair of britches," and there was not enough to make more than one leg.

Mr. ROMJUE. And instead of doing that, you made a shoe.

Mr. CROWTHER. Well, we tried to. We had the stockings a while ago, now we have the shoes. Here is a shoe [exhibiting] which, according to the average import unit value, cost about $2, landed in New York or Boston. It was made in Czechoslovakia. I notice the tag submitted with the sample bears the name Filene, a Boston department store magnate. His price to the American consumer is marked here as $3.95, rather a neat profit.

Mr. CONNERY. Mr. Chairman, will the gentleman yield there?

Mr. CROWTHER. Yes.

Mr. CONNERY. The gentleman knows there is an export duty in Czechoslovakia on shoes?

Mr. CROWTHER. I accept the gentleman's statement, as I am quite certain he knows the facts.

Mr. CELLER. Mr. Chairman, will the gentleman enlighten us as to what that shoe made in Czechoslovakia would cost if made in Lynn or anywhere else in the United States?

Mr. CROWTHER. That shoe cost the manufacturer $2.90.

Mr. CELLER. What does it cost in Czechoslovakia?

Mr. CROWTHER. Two dollars. Let me say to the gentleman from Texas [Mr. HUDSPETH] that since a duty was put on wool the sheep-raising industry has been increasing by leaps and bounds, and with no duty on hides the cattle population is rapidly decreasing.

Mr. HUDSPETH. Yes. I agree with you.

Mr. CROWTHER. Here is another shoe [exhibiting] made in France. You must remember, gentlemen, that we have in this great Nation of ours people who have financial resources that enable them to pay any price that goods are marked. Frequently I see Members in the cloakroom who point with pride at their feet and say: "I paid $16 for this pair of shoes." We have thousands of people who pay that price for shoes, and as long as they are willing to pay $16 just so long will the dealer keep a $16 tag on them.

Here is a beautiful shoe made in France, landed in New York for $8.80. It is made of the finest grade of leather and is decorated with silver and bronze figures. That shoe probably sells for $20 in the stores.

Here is a shoe [exhibiting] made in France for Saks & Co. exclusively—for Saks & Co., Fifth Avenue, New York. Seven dollars and fifty cents is the landed cost. Nine dollars and sixty cents is the cost of the Brooklyn reproduction. It is sold here for almost 100 per cent above the landed price. The price tag reads $14.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. CELLER. In Brooklyn alone we have lost $8,000,000 in the last year as the result of these importations.

Mr. CROWTHER. Yes. Here is another foreign shoe; it costs $6.50 landed on the American seaboard. The cost of this reproduction in Brooklyn is $8.05.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. CONNERY. France has a 40 per cent tariff on shoes.

Mr. CROWTHER. Yes. Czechoslovakia has a 15 per cent duty and Canada a 30 per cent duty. Thousands of people in this country have been working only part time for months in the leather industry and in the shoe industry. I know of five leading leather concerns in this country who for the past three years have run $3,600,000 in the red, and during that time one manufacturer of shoes in the United States has made over $7,000,000 in that same period. Of course, no great quantity of men's shoes are coming into this country at the present time. The importations consist largely of women's shoes from Czechoslovakia. Some members suggest a duty on women's shoes only. That would not do. You can see as well as I that if we put a duty only on women's shoes and let men's shoes come in free, it would not be two years before they would have mass-production of men's shoes coming into this country from abroad, where they are rapidly making improvements on their methods of production.

Mr. CONNERY. The gentleman knows that a Brooklyn shoe manufacturer went over to England recently to manufacture shoes, and if no duty were put on you would soon have foreign competition on men's shoes.

Mr. CROWTHER. Yes.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr COOPER of Ohio. Does the gentleman know whether the gentleman whom he mentioned a moment ago uses imported calf leather?

Mr. CROWTHER. Yes; he certainly does.

Mr. SPROUL of Kansas. He would have to do that inasmuch as the United States produces only a portion of the calf leather which we consume.

Mr. COOPER of Ohio. Did not 41 per cent of the domestic production come in free and was used by these men free, absolutely?

Mr. CROWTHER. Yes; and that is a percentage as against production that certainly warrants a protective rate. So far as shoes are concerned, it would require a rate of at least 50 per cent ad valorem to balance production costs, without any award for reasonable profit, to which my friend from Mississippi referred very insistently the other day.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. BACON. How does the gentleman explain the exorbitant profits of the retailers?

Mr. CROWTHER. I do not think the profits of the retailers are always exorbitant. I do not understand the details of the shoe business perfectly, but I know it has an expensive overhead. These shoe manufacturers that sell their own shoes through their own stores do very well. They do not divide their profits with the middlemen. But I think it is generally recog-

nized that you have to carry a tremendous amount of stock. It is a seasonable commodity, and goes out of fashion very quickly, and presently the dealer may have in his back room or in his cellar more stock than he has on the shelves of his store. The American consumer is tremendously fickle. What may suit his ideas to-day does not appeal to him three months from now.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. SIMMONS. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. SIMMONS. What is our exportation of men's shoes?

Mr. CROWTHER. I do not have the figures, but they are in the RECORD. We only export a very small percentage of our production. Our exports are not very great, not much greater than our imports; but our imports are rapidly on the increase, and our exports are rapidly on the decline.

Mr. CELLER. If the gentleman will permit, the exports in 1928 were a little over 4,000,000 pairs of shoes.

Mr. SIMMONS. I understand we are exporting men's shoes as well as women's shoes.

Mr. CROWTHER. Yes; some men's shoes, and we import some, too; something around 400,000 pears.

Mrs. ROGERS. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mrs. ROGERS. The Department of Commerce told me only recently that in a very short time, possibly a year's time, the imports of men's shoes would be about as great as the imports of women's shoes, which in the first three months of 1929 have doubled the imports of the first three months of 1928; and if that is not an industry which needs protection, I do not know what industry does. [Applause.]

Mr. CROWTHER. I thank the lady from Massachusetts for that contribution.

Mr. COLLIER. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. COLLIER. The gentleman stated that to-day the imports are very largely on the increase. I have not been able to get those figures, because all I have is what the Tariff Commission gave the committee up until March 2, before the committee went into executive session. At that time the figures showed that the imports for 1924 were three million and some thousand pairs, while the imports for 1928 were just a trifle over two and a half million pairs. I understand there has been an increase this year.

Mr. CROWTHER. The gentleman has some wrong figures.

Mr. COLLIER. No; I have the book right here.

Mr. CROWTHER. It may be a typographical error. I do not ascribe the error to the gentleman, because I appreciate his intellectuality and his grasp of these economic problems. These and many other accomplishments add to the value of the splendid Representative from the State of Mississippi [Mr. COLLIER].

Mr. COLLIER. What I wanted to ask the gentleman was to tell us what the increase had been.

Mr. CROWTHER. The lady from Massachusetts just told you that in the first three months of this year, 1929, the imports were $4,600,000 and for the first three months in 1928 they were $2,315,000, so the gentleman can see there has been a 100 per cent increase in the first three months of this year over last year.

Mr. COLLIER. If there was a 100 per cent increase this year over last year then we would have the situation of something like 350,000,000 pairs of shoes being produced by the American people, 344,000,000 of them made in America, and if they increased it twice as much about 4,000,000 pairs brought in from foreign countries.

Mr. CROWTHER. Let me say this to the gentleman. The gentleman remembers that during the hearings this criticism was constantly made, by his colleague the gentleman from Texas [Mr. GARNER] and others: "Your industry is so great and this proportion of imports is so pitifully small, what right have you to be here asking for a duty?" Let my hand represent the shoe industry and let my little finger represent that branch of it that produces women's shoes, and that is the industry that is hit, and the importation of women's shoes just about blocks out this unit of that production, just about wipes it out, and it so happens that that portion of the industry is located in the district represented by the gentleman from Massachusetts [Mr. CONNERY], the city of Lynn, in Saugus, in Haverhill, in Danvers, and in Ipswich, and has been for 100 years. They are hard hit. They have not had work and no pay envelope, and I believe if there is one thing behind the purpose of a Republican protective tariff policy—just as far as we can carry it out—it is to keep the pay envelope of our workingmen well filled and thus keep their purchasing power where it should be. [Applause.] That is the only way you can help him.

Mr. COLLIER. I am very familiar with the gentleman's speech, because he has made it to me so often that I have memorized it.

Mr. CROWTHER. The gentleman and I know each other pretty well. He knows I am a protectionist and I know he would like to be if he dared to be—if he had the courage to be. [Laughter and applause.] I know the kind of blood that courses through his veins and I know what a splendid sort of citizen he is, and I know that in his heart he would like to be a protectionist, but he just can not be; that is all there is to it, because he was not raised that way. [Laughter and applause.]

Mr. COLLIER. After the gentleman gets through with his outbursts of eloquence, let me get back to boots and shoes that the people wear. Is the gentleman willing to get back from his high flight up in the clouds and speak of boots and shoes? I am trying myself to stay on the floor here.

Mr. CROWTHER. Our distinguished chairman asked the gentlemen here this afternoon if they would get back to earth again and stay there, and they said they would.

Mr. COLLIER. I am on the ground now and I hope the gentleman will stay here with me. The gentleman is the most consistent tariff man in the United States. He could write a tariff bill in one line. The gentleman could write a tariff bill that would be satisfactory to him and one that would be consistent if he would simply say that everything that is produced in foreign countries that can be produced and manufactured or could possibly be produced in the United States shall have a tariff wall erected around it to keep such things out. Will not the gentleman agree to that?

Mr. CROWTHER. I hope the gentleman will not use all my time in proclaiming my doctrine.

Mr. COLLIER. I am going to ask that the gentleman's time be extended five minutes, because I have not finished my question.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COLLIER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DISTINGUISHED VISITORS

Mr. MONTAGUE. Will the gentleman yield to me for a moment?

Mr. CROWTHER. I will be pleased to yield to the gentleman from Virginia.

Mr. MONTAGUE. Mr. Chairman, I desire to submit a statement to the House that will not take more than a moment. There are sitting in the press gallery of the House 12 eminent journalists from 12 European countries, and I knew the House would like to be apprised of their presence. [Applause, all Members rising.]

THE TARIFF BILL

Mr. ROMJUE. Will the gentleman yield?

Mr. CROWTHER. I yield.

Mr. ROMJUE. I noticed in a window on Pennsylvania Avenue about Ninth Street some shoes on display. I do not remember the name of the store, but they have an English shoe in several styles, one of which they say costs this concern in Washington about $23, and along by the side of it they have an American duplicate which they say costs them about one-third that price. They gave the exact figures but I do not recall them, although the proportion is about one-third. Of course, examining the shoes through the window is a very inefficient way to examine them, but through the glass you can not tell them apart. I wondered if the gentleman had observed them and what explanation he has or whether the gentleman knows whether that is a true statement or not.

Mr. CROWTHER. I have never seen them, but that is a clever Yankee advertising scheme, that is very well done.

Mr. ALLGOOD. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. ALLGOOD. I understood the gentleman to say that he knew of one manufacturer of men's shoes who made six or seven million dollars last year.

Mr. CROWTHER. In three years they made $7,240,000 on a type of shoe that our men pay about $12 for on the average.

Mr. ALLGOOD. Does not the gentleman think the public and the people who wear those shoes need a little protection and that that concern needs a little competition? Does the gentleman think they ought to be further protected so they can continue to pile up their millions?

Mr. CROWTHER. Does the gentleman think he would get those shoes any cheaper if this duty were not put on?

Mr. ALLGOOD. I think they need some competition.

Mr. CROWTHER. They have competition now but we have got people that are idiotic enough to always pay $12 for such shoes, and as long as we have such people concerns like that will charge the price.

Mr. ALLGOOD. Then why does the gentleman want any more tariff protection for them?

Mr. CROWTHER. They do not need protection and protection will not add or take away from the price of their shoes. When you removed the duty on shoes in the Underwood-Simmons bill in 1913 did you secure cheaper shoes?

Mr. ALLGOOD. But the gentleman has stated that he wants a duty on men's shoes as well as on women's shoes.

Mr. CROWTHER. Yes.

Mr. ALLGOOD. That is giving them protection.

Mr. CROWTHER. If you do not include men's shoes, inside of two years you will have mass production in men's shoes in at least two foreign countries and have them coming in here by the shipload. Fifteen thousand pairs a day are now coming in, and that is quite enough, when 15,000 people in this gentleman's district and in other districts are walking the streets without knowing where the next meal is coming from or how the rent is to be paid.

Mr. BURTNESS. Will the gentleman yield?

Mr. CROWTHER. I yield to the gentleman.

Mr. BURTNESS. This question is asked purely for information.

Mr. CROWTHER. I hope the gentleman will not take up all my time.

Mr. BURTNESS. The gentleman gave some figures giving the astounding difference between the foreign price of shoes laid down in this country and the final retail price, indicating a very large spread, and I was wondering if the gentleman knows whether the spread between domestic production costs and retail prices of domestic shoes is anywhere near as large.

Mr. CROWTHER. They are not as great, and let me say to the gentleman that in the department stores the clerks are urged to always sell the foreign goods first because of the tremendous spread between their cost and the prices to the public. Let me tell the gentleman something. A manager of a great department store, in a burst of confidence, once said to me that he did not like the remarks I had made about a week before at a certain place in which I had suggested to the people that the really loyal thing to do was try to buy things that had a tag on them, "Made in the United States," and he said, "I run this big department store and I buy for it, and I have buyers in the different countries, and I buy my merchandise in every corner of the world to please my purchasers, and I buy just as cheaply as I can in any country I please, and then I put the highest price tag on the goods that the American sucker public will stand for." Now, he told the truth. He told me just exactly what their methods were.

Now, gentlemen of the committee, in closing let me say that this proposition is not much more than a gesture, so far as real protection is concerned, but we want to help both industry and agriculture, so let us support this 10 per cent on hides and 12½ on sole leather, 15 per cent on calf and kid, and 20 per cent on shoes.

Mr. CONNERY. I want to say that the shoe workers and the manufacturers in Lynn agree with the gentleman that it is far too low, but all they ask is an even break.

Mr. CROWTHER. That is all an American ever asks for—an even break. The gentleman from Massachusetts [Mr. CONNERY] exemplifies the spirit of the folks in the district that he represents. All they want is a 50-50 break, and in America we ought to give that to our people without argument. I hope the House will support the proposition. It is offered in good faith and deserves the consideration of both sides of this distinguished body. [Applause.]

Mr. HENRY T. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. HENRY T. RAINEY. Mr. Chairman and gentlemen of the committee, in order to clear up the matter I want to sketch this subject broadly and see just exactly what we are doing and whether the industry needs the tariff protection proposed to be given by these committee amendments.

In the first place, of boots and shoes made of leather alone we produce in the United States $1,450,000,000 worth a year.

In 1921 we produced $100,000,000 worth less than that. The production has been increased until in 1927 it represented the large total I have just given.

Now, in order to determine whether this industry needs the protection asked for it, it is necessary to inquire into the amount of importations of boots and shoes.

We imported in 1927 of boots and shoes into the United States $3,000,000 worth. We usually import 3 per cent of the amount of our total production of boots and shoes. That does not look like an industry that needs the protection given in this bill at the expense of the consumers of the United States.

I am speaking for the consumers of the United States in the brief time I shall address the committee. Really, there is not any competition to the boot and shoe industry in the United States by this negligible importation. The shoes they bring in here are expensive shoes, handmade shoes, from France and Switzerland, and are the kind of shoes that we do not produce here. We do not produce shoes as expensive as those shoes. On the other hand, we bring in here from Czechoslovakia braided shoes made by hand and we do not produce any of them in the United States, and they are the cheapest kind of shoes.

The importation from France and Switzerland and Czechoslovakia make up practically the entire importation of the $3,000,000 worth of boots and shoes we bring into the United States per annum. Therefore our production of nearly one and one-half billion dollars' worth of boots and shoes in the United States absolutely has no competition from any part of the world. They do not compete with the kind of shoes we make here.

Oh, they advance the argument that these expensive shoes that come in take the place of shoes that are made here, and that the cheap Czechoslovakian braided shoes that come in here take the place of shoes made here. Well, the farmers insisted that bananas that come in here take the place of the apples, but you didn't give them any tariff on bananas.

They will buy the Czechoslovakian and the imported French and Swiss shoes no matter how you make the tariff, because they are novelties and they will buy them anyway.

And so our shoes have absolutely no competition from any other part of the world. The shoe manufacturers are prospering. The Endicott-Johnson Shoe Co. within the last five years issued a stock dividend of $4,868,000, and is now a $32,000,000 corporation. The Hamilton-Brown Shoe Co., in St. Louis, recently issued a stock dividend of $1,000,000 and is now a $5,000,000 corporation. Oh, you have up there in Lynn and in other sections of the country some of your shoe-manufacturing space empty. The machines are not there on some of your floors making shoes, but the reason for it is this, and the reason is perfectly simple: Your shoe manufacturers have gone into the little towns in New England, up into Vermont, and into other places, and have gone into Pennsylvania, and into the little towns of Illinois, where there are no labor organizations to interfere with them, and where they can pay as low a wage as they feel like paying. That is what is emptying your shoe floors in Lynn. It is because of the selfishness of the shoe manufacturers who prefer to employ nonunion labor, and they desert sections like Lynn, where they have labor organizations that compel them to pay a better wage scale.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. CELLER. The gentleman may as well be enlightened to the effect that in Brooklyn a good many of the shoe factories have machines only one-half employed and they are one-half unionized. Will the gentleman assert then that the employment of union labor is the cause of the difficulty in Brooklyn?

Mr. HENRY T. RAINEY. If half of the factories are unionized, that ought to be enough to keep up the standard of wage so as to enable the laborers to obtain a good wage. I wish they were wholly unionized.

Mr. LINTHICUM. Will the gentleman state the amount of exportation of boots and shoes?

Mr. HENRY T. RAINEY. Yes. We export, of boots and shoes, a good deal more than we import. We exported in 1919 $15,000,000 worth of boots and shoes, and our exportations have not substantially decreased from that day until the present time. I do not seem to have the figures here for 1927. We export right along on an average about five times as much as we import.

Mr. GIFFORD. The gentleman knows that is not correct.

Mr. CONNERY. If the gentleman will get the figures I think that he will find that we have been exporting a declining amount of shoes.

Mr. HENRY T. RAINEY. That may be true, but we have always, under all conditions, exported at least twice as much

as we have imported, and the imported shoes do not, for the reasons I have stated, compete with our shoes.

Mr. GIFFORD. And the gentleman will agree that the imports last year were eight and a quarter million dollars. And that the imports for the first four months of this year amount to $4,000,000.

Mr. HENRY T. RAINEY. I gave the figures for 1927.

Mr. GIFFORD. The imports for 1927 were more than $5,000,000.

Mr. HENRY T. RAINEY. But what differences does it make. Our production still continues at about one and one-quarter billion dollars a year. I do not want anybody to get the impression that the tariff on boots and shoes is only 20 per cent. Under this subclause (d) of the amendment which has been read to you the tariff on boots and shoes is going to be 30 per cent. I read from the proposed amendment:

(d) Leather of all kinds, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied, 30 per cent ad valorem.

That is the entire shoe. That is the entire importation that is brought into the United States. If that goes into this amendment and is enacted into law the tariff will not be 20 per cent, as has been stated by the gentleman from New York, but it will be 30 per cent on boots and shoes. This subsection "d" is the joker in this amendment which produces this result.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. CONNERY. The gentleman said 3 per cent of the shoes were imported into this country. The gentleman did not explain that that is on the foreign valuation and that really that should be multiplied by three and that it should be 9 or 10 per cent.

Mr. HENRY T. RAINEY. Oh, I can not agree with that proposition at all. We are increasing the tariff unconscionably on leather. The production of leather in 1927 amounted to $500,000,000 worth in the United States, and we exported $55,000,000. We imported $42,000,000.

Mr. ANDREW. Mr. Chairman, will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. ANDREW. Is it not true that in 1920 we produced $920,000,000 worth of leather in this country, as compared with the figure of five hundred million and odd dollars which the gentleman just quoted as of a year ago?

Mr. HENRY T. RAINEY. I do not have the figures for 1920. The figures I have given are the last completed figures that I have for 1927.

Mr. ANDREW. There has been a decline from $900,000,000 to $500,000,000 in eight years.

Mr. HENRY T. RAINEY. There may have been some decline. I do not know about that. That is what we are producing now, and these are the exports and the imports. We export over 10 per cent of our production of leather, and we import less than 10 per cent of our production.

Mr. COOPER of Ohio. The gentleman says that we imported 10 per cent in 1928. Twenty-one per cent of the entire calf-leather production was imported into our country duty free—54,000,000 square feet. Those are the figures of the Department of Commerce.

Mr. HENRY T. RAINEY. I am giving you the picture furnished us by the Tariff Commission.

Mr. CONNERY. The Tariff Commission went up to Salem and had to come back here and revise every figure that they made.

Mr. STAFFORD. The report of the Tariff Commission on calfskin leather showed that in 1923 there was 8,400,000 square feet imported, and in 1928 there was 54,000,000 imported, and the calfskin-leather tanneries of the United States produced only 50 per cent of their capacity.

Mr. HENRY T. RAINEY. Of course, Mr. Chairman, we do not produce enough cattle hides or calf hides in the United States to supply the demand. We tan always more than we produce, and in our declining cattle production we will continue to tan less and less. We have got to bring them in from abroad.

Now, with reference to sheep and kid hides, the entire supply of sheep and lambs in the United States would not supply our consumption for 16 months if we killed every sheep and every lamb in the United States. There has been some slight increase in the production of sheep in the United States, but it is largely in those States where we have abandoned farms.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HENRY T. RAINEY. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. HENRY T. RAINEY. It is chiefly up here in New York and in some of those States where they have some of these abandoned farms. They have got to put something on them, and the only thing that they can put on them to keep down the weeds and grass are sheep. But if we killed every sheep and every lamb in the United States and the supply from abroad were all shut off we could not supply our production of tanned leather made from sheep and lambs for more than 15 or 16 months.

Now I presume that this proposed tariff had its genesis in the proposition to relieve farmers, and you put a little 10 per cent duty on hides, and then put a 30 per cent duty on the farmer's shoes. That is what it is; on his shoes and boots and the working shoes used by his family. Under the evidence submitted before the Committee on Ways and Means this meant, according to the testimony—and it is the only testimony there is on the subject—an increase in the cost of the farmer's work shoes, and that is where the increase falls the heaviest, because more leather is used in making those shoes and more for the soles—it meant an increase of from 50 to 60 cents on each pair of work shoes.

Now that examination was made on the theory that there was to be no compensatory duty.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield there?

Mr. HENRY T. RAINEY. Yes.

Mr. COOPER of Ohio. This amendment provides for a 30 per cent duty only on special kinds of leather, the finer and decorated leather. The gentleman knows it does not provide a 30 per cent duty on all calf leather.

Mr. HENRY T. RAINEY. If the gentleman will read my remarks in the RECORD that will be printed to-night perhaps even he can understand what I have said.

Mr. CONNERY. The gentleman from Illinois believes that this duty will increase the price of shoes. The gentleman will remember that the manufacturers who appeared before the committee said that if there was a duty on hides shoes would not cost one cent more.

Mr. HENRY T. RAINEY. Oh, I know the only testimony we had was that of Mr. McElwain. He said this tariff would increase the price of the farmer's shoes from 50 to 60 cents and for the shoes worn by his family from 30 to 40 cents a pair.

Mr. CONNERY. What rate was that? That was not a 20 per cent rate. They were asking for 45 or 50 per cent on the American valuation.

Mr. HENRY T. RAINEY. I am talking about the tariff on hides now. This tariff on hides, according to the testimony we have, will increase the cost of the workmen's shoes from 50 to 60 cents a pair and ordinary shoes 35 cents. Now there are 6,000,000 farm families. If the entire kill of 14,000,000 cattle per year is distributed among farm families they would have three and one-half hides apiece. This duty would not yield them possibly over $3.50. But their increased cost in shoes they will buy, three pairs of working shoes, $1.80, three pairs of ordinary shoes $1 more, and $2 for the harness and belting they will have to buy—and this increases that, even if the tariff on shoes of 30 per cent were not placed in this bill—that is what the shoe manufacturers say—the tariff on hides would cost each farm family more than it would bring them.

In other words, they would lose from $2 to $3 a year. Yet you call this a farmer's relief measure. The farmers will never know that you put a 10 per cent duty on hides unless they read it in the newspaper. This tariff means absolutely nothing to a man who has no hides for sale. But it will mean a tremendous amount to the packers, who kill perhaps 90 per cent of the cattle slaughtered in a year. Do you think the packers are going to hand back to the farmers this trifling 10 per cent duty, less than a dollar per hide, that they are going to get out of this tariff if you put it over? Certainly not. There are no farmers to hand it back to, if they hand it back at all.

This is a subterfuge. This alleged farm relief that you are putting in this bill is a subterfuge in order to make it possible to impose this tremendous burden upon the consumers of this country in the interest of manufacturing firms who distribute these large dividends.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HENRY T. RAINEY. Under the permission extended to me to revise my remarks I print here a letter I have received

from Hon. Earl C. Smith, president of the Illinois Agricultural Association, and the study made by the Illinois Agricultural Association, which was inclosed with his letter, which is a clear statement as to the demands of agriculture from the most important of all the State agricultural associations.

CHICAGO, *May 24, 1929.*

Hon. HENRY T. RAINEY,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN RAINEY: The Illinois Agricultural Association has for sometime been giving a close study to the tariff and its effect upon agriculture.

The present ills of agriculture have been brought about by a disparity in the prices received for agricultural commodities and the costs of the many things that enter into production of the industry. Agricultural stability can only be brought about by a proper relation of these two factors. It has been the hope of the farmers of Illinois and the Nation that the present special session of Congress before its adjournment would enact a farm measure that would largely aid in bringing about a proper marketing system for farm crops, and would so revise the tariff as to insure proper relations between costs of production and prices received for the products of the farm.

The farmers of Illinois were very much pleased at President Hoover's reference to the tariff in his message to the special session of Congress, particularly so where he requested revision of tariff duties on agricultural commodities only, except in such other industries as were known to be in distress.

A study of the Hawley bill gives cause for grave concern to those whose interests are in agriculture, in that many upward revisions of the tariff are recommended on commodities that farmers must purchase, and which if adopted by the Congress will greatly increase costs of production on the farm. If agriculture is to receive any net benefits through tariff revision, it must be obvious that such revision upward as is made on agricultural commodities must not be offset by changes in those commodities that largely determine the costs of production.

It is interesting to note in the recent report of the National Industrial Conference Board that more than 70 per cent of the costs entering into agricultural production are largely determined by the prevailing prices that farmers must pay, all of which are greatly affected by the tariff.

I am inclosing a brief, based upon such study of the Hawley bill as time has allowed, which clearly sets forth our views as to its effect on the more important agricultural products of Illinois. I trust you will give it your very careful consideration and that it may be helpful to you in determining the course you should pursue during discussion and decision on the great question which is now confronting you.

Thanking you for all past courtesies and support, I am

Sincerely yours,

ILLINOIS AGRICULTURAL ASSOCIATION,
EARL C. SMITH, *President.*

TARIFF DUTIES IN H. R. 2667

(A study by the Illinois Agricultural Association)

The Illinois Agricultural Association is convinced that Congress should make greater use of ad valorem duties or of combined specific and ad valorem duties in the agricultural and related schedules. Specific duties, especially if the rates are low, often fail to function precisely when domestic prices rise to the point where they begin to be profitable. This is not true of ad valorem duties. Ad valorem duties are very frequently used in other schedules, often in addition to specific duties.

The Illinois Agricultural Association regards as unsound certain assumptions in the Fordney-McCumber Tariff Act, which also are found in the Hawley bill, as follows:

1. It is assumed that there is no reason or necessity for imposing adequate duties on commodities which are not also produced in this country but which are highly competitive with and displace our own products, as much so as if they were the same commodities. Examples are palm oil, which displaces domestic oils in soaps, and bananas, which are competing with our fruits.

2. It is assumed that there is no reason or necessity for imposing adequate duties on edible commodities not produced in this country, provided such commodities by denaturing are rendered unfit for food. Examples are palm-kernel oil and some grades of olive oil, which are thus given free admission and displace our fats and oils in the manufacture of soaps.

3. It is assumed that it would be improper to impose adequate duties on Philippine Island products for the protection of American agriculture. Hence the free admission of already enormous and rapidly increasing quantities of low cost coconut oil, which has largely displaced our own higher-priced oils and fats in the manufacture of oleomargarine and soaps, is threatening to displace them in the manufacture of lard compounds, and has made lard more than 70 per cent of our total exports of fats and oils.

These assumptions are fundamentally at variance with any sound protective system. The proper protection of American agriculture requires adequate duties on imported commodities, regardless of their source, use, or lack of identity with our products.

The Illinois Agricultural Association believes that in revising tariff duties Congress should take fully into account the present endeavor to establish a stabilized marketing system which will insure to efficient farmers a profitable level of prices. In any such marketing system proper tariff duties must be an indispensable factor. It would defeat any marketing system if it should be found that higher domestic prices are not protected by tariff duties sufficiently high to prevent a flood of imports. It should not be assumed, therefore, that any duties which may be imposed on agricultural products will, as so often has been true in the past, be ineffective or only partly effective. The only safe assumption is that a marketing system will be set up which will make them effective.

THE MORE IMPORTANT AGRICULTURAL PRODUCTS OF ILLINOIS—CORN (INCLUDING CRACKED CORN)

Tariff duty per bushel of 56 pounds: Present, 15 cents; proposed in Hawley bill, 25 cents.

The production of a substantial, though relatively small, annual surplus of corn now fixes domestic price at the world level and renders the tariff on corn largely ineffective. It is effective only to the extent of preventing larger imports of Argentine corn.

In the production of corn for the world markets the United States has only one important advantage over competitors—the knowledge and skill of her corn producers. Her disadvantages are high production costs, a seriously depleted soil with resulting lowered quality of corn, no new areas suitable to corn production, high freight costs due to the distance of the surplus-producing States from tidewater, and a probable considerably reduced production accompanied by increased costs as the corn borer spreads throughout the Corn Belt.

Argentina, the chief competitor of the United States in the world's markets, has low production costs, low freight costs due to the closeness of corn-producing territory to tidewater, an undepleted soil producing a high quality of corn, and vast areas of virgin soil suitable to corn production. Argentina's only serious disadvantage in competition with the United States is high handling costs due to the practice of sacking corn for shipment. The creation of modern facilities for bulk handling of corn, now in progress, will probably in the near future considerably reduce the costs of handling.

Midwestern corn producers can not hope to compete with Argentina in the world markets, but they should not be forced to compete for domestic markets. Because of high railway freight rates in the United States, corn from Buenos Aires can usually be laid down at San Francisco cheaper than corn from Nebraska, and can often be laid down at New York cheaper than corn from Illinois or Iowa. In such cases the tariff duty is completely neutralized by the lower carrying charges on Argentine corn. Unless the duty is greatly increased, it seems certain that imports, now relatively small, will rapidly increase.

Under existing methods of marketing the present tariff duty is largely ineffective. By increasing the duty it can be made somewhat more effective in preventing the competition of lower-cost Argentine corn on either coast. Whenever the surplus is controlled by a proper marketing system, or the production of a surplus has been ended by the ravages of the corn borer, a considerably higher tariff duty will be necessary to prevent the resulting higher prices from attracting much larger imports of Argentine corn. The tariff duty on corn will then be largely, or perhaps completely, effective. It should be increased to at least 25 cents per bushel, as proposed in the Hawley bill. Even this rate is likely to be ineffective on the Pacific coast, or when prices are higher with the surplus under proper control, or above all when a surplus is no longer produced.

BLACKSTRAP MOLASSES

Testing not above 52 per cent total sugars; not imported to be commercially used for the extraction of sugar or for human consumption.

Tariff duty: Present, one-sixth of 1 cent per gallon and one-sixth of 1 cent additional for each per cent of total sugars, and fraction of a per cent in proportion.

Proposed in House bill: Not to be used for distilling purposes, three one-hundredths of 1 cent per pound of total sugars. To be used for distilling purposes, thirty-six one-hundredths of 1 cent per pound of total sugars.

In recent years the average annual production of blackstrap molasses in the United States has gradually risen to somewhat more than 100,000,000 gallons. Imports, chiefly from Cuba, have rapidly increased until they have been more than 250,000,000 gallons in each of the last two years.

The manufacture of industrial alcohol consumes each year an amount equal to or somewhat exceeding total imports. Of the remaining supply, about 50,000,000 gallons, or one-sixth of the total, are used each year in stock feeds.

The chief factor in rapidly increasing imports and their utilization in the manufacture of industrial alcohol is the vast supply available at a very low cost, which, in the last three years, has averaged less than 5 cents per gallon in Cuban ports. It is impossible for corn to compete

with blackstrap at such low prices. It is not surprising, therefore, that blackstrap is now displacing about 40,000,000 bushels of corn each year in the manufacture of alcohol. This amount is more than 10 per cent of the average amount of corn annually marketed in the United States.

The present nominal duties on blackstrap probably have no effect whatsoever in limiting imports. The duties proposed in the Hawley bill will probably average less than 2 cents per gallon on imports for distilling. This duty also will be largely ineffective. It should be much larger. At least 8 cents or better, 10 cents per gallon is necessary if corn is to have an even chance with blackstrap in the manufacture of industrial alcohol. Even with a duty of 10 cents the coast distilleries would probably continue to use blackstrap, but it would be possible for distilleries in the Central West to use corn in competition with blackstrap. The imposition of such a duty would probably have an immediate effect of several cents per bushel on the price of corn.

WHEAT

Tariff duty per bushel of 60 pounds: Present, 42 cents; proposed in Hawley bill, same duty.

The production of a large annual surplus of wheat, averaging about 20 per cent of the total crop in recent years, fixes domestic prices substantially at the world level and renders the tariff largely ineffective. It is effective in part on prices of particular varieties and grades of wheat and also in preventing much larger imports of Canadian wheat and the displacement of considerably larger amounts of our better domestic wheat, which would then necessarily be sold in a cheaper market.

In the production of wheat for world markets the United States has no advantages, but has the serious disadvantages of an older soil, of higher costs, and high freight rates. Her chief competitor, Canada, has the great advantage of lower costs, of lower freight rates, a practically virgin soil, and vast areas of absolutely virgin soil highly suited to the growing of wheat. The quality of Canadian wheat also is usually higher for the same grades than is true of domestic wheat.

Until the President, in 1924, increased the tariff on wheat from 30 cents to 42 cents per bushel imports from Canada for consumption were very large. The increase cut imports to much smaller amounts. Wheat of high protein content is still imported in considerable amounts for blending purposes, especially in years of low protein content in domestic wheat.

Flour manufactured in bond from Canadian wheat is given preferential treatment by Cuba along with flour from our domestic wheat, resulting in some displacement of domestic soft red wheat flour, which formerly found a market in Cuba. Milling in bond also depresses the price of domestic wheat because of the large amounts of mill feeds in bonded wheat which, on payment of a low duty, are released for domestic use. This point is further discussed under the head of "mill feeds."

Under a proper marketing system, with effective surplus control, the present tariff duty on wheat could be made more effective. In view of the necessity of continuing the limitation of imports from Canada and present development of plans for setting up a properly controlled marketing system, the tariff duty of 42 cents per bushel should be retained.

BRAN SHORTS, BY-PRODUCT FEEDS OBTAINED IN MILLING WHEAT

Tariff duty: Present, 7½ per cent ad valorem; proposed in Hawley bill, 10 per cent ad valorem.

The United States imports mill feeds in large amounts every year and exports them in comparatively small amounts. The domestic supply of mill feeds is deficient not because the United States does not produce sufficient wheat or does not have abundant milling capacity to grind it but because European millers, always with a good market for protein feeding stuffs, outbid our millers for large amounts of wheat. The deficiency thus created in this country is made up either by direct imports from Canada or by release, on payment of the duty, of the feed in Canadian wheat imported and milled in bond. In recent years the annual imports have usually exceeded half a billion pounds.

Under the tariff act of 1922, the duty on mill feeds was 15 per cent ad valorem until the President increased the tariff duty on wheat in 1924, when he reduced the duty on mill feeds to 7½ per cent ad valorem.

It can not be doubted that the price of mill feeds is a considerable factor in the price of wheat. If the price of flour remains unchanged, a high price for mill feeds will be reflected in a higher price for wheat than is true if the price of mill feeds is low. Imports of large amounts of mill feeds, therefore, must have a depressing influence on prices of domestic wheat.

The present low duty on mill feeds, so far as it goes, is effective on prices. If it were greatly increased it would be effective under present conditions of deficiency production. It should be increased to at least 20 per cent ad valorem. The result should be a reduction, at least in direct imports, and higher prices for domestic mill feed and for domestic wheat. Such higher prices might be offset somewhat by increased supplies of mill feeds from increased milling of domestic wheat.

SWINE, PORK, AND LARD

Swine—tariff duty: Present, one-half of 1 cent per pound; proposed in Hawley bill, 2 cents per pound.

Pork—tariff duty on fresh port: Present, three-fourths of 1 cent per pound; proposed in Hawley bill on pork, fresh, chilled, or frozen, 2½ cents per pound.

Tariff duty, prepared or preserved pork: Present, 2 cents per pound; proposed in Hawley bill, 3¼ cents per pound.

Lard—tariff duty: Present, 1 cent per pound; proposed in Hawley bill, 3 cents per pound.

Lard compounds and lard substitutes—tariff duty: Present, 4 cents per pound; proposed in Hawley bill, 5 cents per pound.

The United States produces every year a huge surplus of swine, pork, and lard which must be marketed abroad. Exports of pork and lard are many times as large as imports. The tariff has been and is still ineffective in lifting domestic prices above the world level. It probably has some effect in limiting imports and thus helps to preserve the domestic market for domestic producers.

In spite of tariff duties, imports, especially from Canada, both of swine and of pork, though relatively small, have been rapidly increasing. Duties should be increased sufficiently to exclude them not only under the present lack of an organized marketing system and of surplus control but also under any scale of prices which may result from a stabilized marketing system. The duties proposed in the Hawley bill will doubtless largely accomplish the first purpose. It is doubtful whether without effective market control they will accomplish the second purpose. For this reason the duty on swine should be increased to at least 3 cents per pound, on fresh pork to at least 4 cents per pound, on prepared or preserved pork and on lard to at least 5 cents per pound.

The competition of imported animal, fish, and vegetable oils with lard and their effect on domestic prices not only of lard but also of swine and pork is discussed under the head Fats and oils.

Cattle, calves, beef, and hides

	Cattle and calves		Beef and veal	Hides
	Less than 1,050 pounds	1,050 pounds or more		
Tariff duty:				
Present	1½ cents per pound.	2 cents per pound	3 cents per pound	Free.
Proposed in Hawley bill	do	do	6 cents per pound	Do.

The United States is now on a moderate deficiency basis in the production of cattle, calves, beef, and veal, and on a heavy deficiency basis in the production of cattle hides and calfskins. In every recent year, it has imported far more than it exported both of cattle and calves, of beef and veal, and of cattle hides. The moderate tariff duties on cattle and calves and on beef and veal, at least in part, have been effective on prices. Higher duties would have been effective on prices up to the point of increasing production beyond consumption.

As the number of beef cattle on farms has decreased, imports both of animals and of meats have increased. Most imported animals have been young and light in weight and were brought in from Canada or Mexico for feeding.

It is proposed in the Hawley bill to continue the present very moderate duties on cattle and calves. If the present lack of any effective system of market control continues, with constant danger of overproduction, this policy may be wise. But if an effective system of market control is set up, cattle growers and feeders will be entitled to more protection than they are now getting. In this case tariff duties should be at least doubled, giving cattle of less than 1,050 pounds a rate of 3 cents per pound, and cattle of 1,050 pounds or more a rate of 4 cents per pound.

There has been no tariff on hides, and it is proposed to continue this policy. Due to the fact that imports are very large and exports are relatively much smaller, any tariff duties would be effective in raising domestic prices, and such increased prices would largely be reflected to producers in the prices paid for cattle. A duty of about 40 per cent ad valorem should be imposed on hides in order to give proper protection to cattle producers.

BUTTER

Tariff duty: Present, 12 cents per pound; proposed in Hawley bill, same.

The United States, for many a year an exporter of butter, with resulting low prices for domestic producers, has been a net importer of butter most of the time for several years. The net difference, however, has been relatively small, indicating that butter production and consumption have been fairly well balanced. The favorable prices received by producers for several years would have been disturbed by even a small increase in production.

The tariff has been partly effective only because imports exceeded exports and because there was usually no domestic surplus. Its effectiveness in the future depends in part upon the continuance of deficiency production in this country, and in part upon the amount of surplus in other countries which may be seeking a market. A large world surplus, especially in low production cost countries, such as New Zealand, would probably find part of its market in this country in spite of the present duty.

If butter is to be included in a stabilized marketing plan, with control of any domestic surplus which may be produced, the present tariff duty will probably be found inadequate. It should be increased to at least 15 cents per pound. Far more effective for immediate protection would be duties on animal and vegetable fats and oils adequate to restore a domestic market to domestic fats and oils. This is further discussed under the head of Fats and oils.

FATS AND OILS

Tariff duties on the larger imports

Fish and whale oils: Present, 5 and 6 cents per gallon; if not specially provided for, 20 per cent ad valorem. Proposed in Hawley bill, same.

Vegetable oils—

Coconut oil: Present, 2 cents per pound, but free from Philippine Islands. Proposed in Hawley bill, same.

Palm oil: Present, free. Proposed in Hawley bill, same.

Palm kernel oil: Present, free. Proposed in Hawley bill, 1 cent per pound, but free if denatured.

Peanut oil: Present, 4 cents per pound. Proposed in Hawley bill, same.

Soya-bean oil: Present, 2½ cents per pound. Proposed in Hawley bill, 5 cents per pound.

Imports of animal, fish, and vegetable fats and oils have grown so large and have been substituted for domestic fats and oils to such a degree as to create one of the most serious tariff problems of American agriculture. They affect the prices received for their products by all livestock and dairy products, all cottonseed producers, and many others.

In 1914 the imports of fats and oils were 372,000,000 pounds. Exports, including reexports, were 861,000,000 pounds, making an export balance of 489,000,000 pounds. In 1927 total imports were 1,212,000,000 pounds and exports were 979,000,000 pounds, leaving an import balance of 233,000,000 pounds.

Furthermore, the increase in total imports and in the portion of such imports remaining in this country was nearly all in the cheaper vegetable oils. In 1914 imports of vegetable oils exceeded exports by only 85,000,000 pounds. In 1927 the excess was 973,000,000 pounds. This tremendous total of net imports of the cheaper vegetable oils displaced an equivalent amount of our higher-cost animal fats and vegetable oils and forced them to seek other uses or other markets. Exports of all vegetable oils in 1927 were only 80,000,000 pounds. Remaining exports of fats and oils were all of animal or fish origin, chiefly lard, which alone amounted to 702,000,000 pounds, or nearly 72 per cent of total exports of fats and oils in that year.

The displacement has been most serious in the manufacture of oleomargarine and soaps. Prior to 1917 oleomargarine contained very little coconut oil. Of the vegetable oils used for this purpose, it supplied about 21 per cent in 1917 and about 79 per cent in 1927. During the same 10-year period the oleo fats and neutral lard declined from 60 per cent to 38 per cent of all fats and oils used in oleomargarine.

For soap manufacture coconut oil increased from 79,000,000 pounds in 1912 to 350,000,000 in 1928. Other imported oils used, chiefly palm oil, palm-kernel oil, whale oil, and herring oil, increased in the same period from 39,000,000 pounds to 271,000,000 pounds. The domestic oil displaced was mostly cottonseed oil, which turned to the lard compounds, thus displacing large amounts of lard. A considerable amount of coconut oil also is used in making lard substitutes.

From the above summary of the increase in imports of fats and oils, especially the vegetable oils and their substitution for domestic products, it is clear that producers of swine, cattle, butter and other dairy products, and cotton are all directly affected, and producers of corn and other feed stuffs are indirectly affected by such imports.

Unless imports of fats and oils are limited by adequate duties, such as those proposed by the American Farm Bureau Federation, imports will probably continue rapidly to increase. Within the next 10 years it is probable that they will be substantially doubled. The Philippine Islands alone can and probably will increase production of coconut oil to 1,000,000,000 pounds within a few years. The production of palm and palm-kernel oil in Africa also is rapidly increasing. Increased competition from such sources can not fail to depress American agriculture still further than it is now and to prevent farmers from attaining the standard of living enjoyed by other citizens, a standard to which efficient farmers are also entitled.

FRUIT

Tariff duty on bananas: Present, free. Proposed in the Hawley bill, free.

Bananas have always been on the free list. Imports of bananas give us the most important competitor of our Illinois fresh fruits. Imports have rapidly increased until it is computed that, on an average, about 50 bananas are now brought in every year for every person in the United States. Car-lot shipments now exceed those for any other fruit.

Retail prices of bananas are usually considerably lower than is true of the same weight of any other fruit. Very good bananas have recently retailed in Chicago at as low a price as 25 to 30 cents per dozen, and in some parts of the State as low as 15 cents per dozen, a price with which no other fruit can compete.

Producers of any goods in the United States are entitled to the same measure of protection against imported goods which may be used as substitutes for our products as against imports of identical goods. Either may displace domestic products. Our fruit growers are entitled to protection against the combination of tropical climate and peon labor in the production of bananas. A tariff duty of 75 cents per bunch should be imposed. This rate would not exclude bananas for those who want them, but would in some measure equalize the cost of bananas and domestic fruits.

Mr. HAWLEY. Mr. Chairman, I would like to see if we can not agree upon the time for closing debate on this amendment.

Mr. RAMSEYER. Mr. Chairman, I hope the gentleman will allow this debate to run for a while. I have not spoken and I have been against this amendment in the committee.

Mr. HAWLEY. Can we agree to close debate in 40 minutes?

Mr. RAMSEYER. I want at least 15 minutes.

Mr. HAWLEY. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in one hour.

The question was taken and the motion was agreed to.

Mr. RAMSEYER. Mr. Chairman, I wish to be recognized and I would like to have 15 minutes.

The CHAIRMAN. Is the gentleman from Iowa, a member of the committee, seeking recognition?

Mr. RAMSEYER. Yes; I am seeking recognition, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. RAMSEYER. Mr. Chairman, my attention was diverted by the gentleman from New York [Mr. CROWTHER] when the motion was put, but I did make known to the committee that I wanted 15 minutes. I ask unanimous consent to proceed for 15 minutes in order to present this matter from the angle of the cattlemen, which angle has not been presented.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that he may proceed for 15 minutes. Is there objection?

Mr. HUDSPETH. Mr. Chairman, reserving the right to object, I would like to ask that I be permitted to have 15 minutes. Gentlemen of the committee have had time in general debate and there are men here who want to discuss this bill and this amendment from the livestock standpoint, but we have had no opportunity.

The CHAIRMAN. By direction of the committee debate on this amendment and all amendments thereto is to close in one hour, unless the committee takes other action, and Members will be recognized for five minutes each. If any Member secures unanimous consent to talk longer than five minutes, that comes out of the one hour, unless the committee decides otherwise. Is there objection?

Mr. COLLIER. Mr. Chairman, reserving the right to object, I do not intend to object to the request of my good friend from Iowa, whom I love, but I reserve the right to object for the purpose of asking the chairman of the committee [Mr. HAWLEY] to extend the time. I do not think, Mr. Chairman, there are many controversial matters left after we get through with this amendment. There are a great many Members who are directly interested in this matter, some Members from the Western States on your side of the aisle and on my side, who want to talk, and I am going to ask the chairman if there is any chance to vacate the action just taken and give us an hour and a half—say we will vote at 5 o'clock.

Mr. HAWLEY. There are quite a number of amendments to be acted on to-night.

Mr. COLLIER. I know, but there are not many controversial amendments.

Mr. HAWLEY. I can not tell that.

Mr. COCHRAN of Missouri. Will the gentleman make it one hour and a half and divide the time between those in favor and those opposed?

Mr. MURPHY. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is: Is there objection to the request of the gentleman from Iowa?

Mr. CONNERY. Mr. Chairman, reserving the right to object, and I certainly will not object to the request of the gentleman from Iowa——

The CHAIRMAN. The regular order is: Is there objection?

Mr. CONNERY. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The regular order has been demanded. The regular order is: Is there objection?

Mr. COCHRAN of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COCHRAN of Missouri. Is the gentleman recognized for 5 minutes or 15 minutes?

The CHAIRMAN. The gentleman has submitted a request that he be permitted to proceed for 15 minutes. Is there objection?

Mr. COCHRAN of Missouri. I will have to object unless we can get additional time.

The CHAIRMAN. Objection is heard, and the gentleman from Iowa is recognized for five minutes.

Mr. WINGO. Mr. Chairman, why not reach an agreement to divide this time equally and let somebody control it?

Mr. RAMSEYER. I do not want this discussion taken out of my time.

Mr. WINGO. I submit the unanimous consent request that the time be controlled equally by the chairman of the committee and the gentleman from Mississippi [Mr. COLLIER].

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that this hour be divided equally, one-half in favor and one-half opposed, the half favoring to be controlled by the gentleman from Oregon [Mr. HAWLEY] and the other half to be controlled by the gentleman from Mississippi [Mr. COLLIER]. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object, I would be in favor of that, but we can not permit a precedent of that kind to be established in the Committee of the Whole, and I will make a point of order against the request.

Mr. WINGO. That is a customary procedure.

Mr. LAGUARDIA. Not in committee. Some of us would never get time if that were so, and I raise the point of order.

Mr. WINGO. That procedure has been followed on every bill.

The CHAIRMAN. The point of order is overruled and the request is in order. Is there objection?

Mr. LAGUARDIA. I object.

Mr. RAMSEYER. Mr. Chairman, I have given this subject as much study as any man in the House. I have been on the Ways and Means Committee, and I am from purely an agricultural section. That view has not been presented, and I think I am entitled to a little additional time to present that view. [Applause.] If the Chairman will not come to my rescue, I shall ask to extend the time for 10 minutes so that my additional time may not be taken out of the hour.

Mr. Chairman, I request that I may proceed for 15 minutes, 10 minutes of the time not to be taken out of the 1 hour. This would extend the time to 1 hour and 10 minutes.

The CHAIRMAN. The gentleman from Iowa requests that he be permitted to proceed for 15 minutes, making the time for debate on this amendment and all amendments thereto 1 hour and 10 minutes. Is there objection?

Mr. HAWLEY. Mr. Chairman, reserving the right to object, I am not going to object to this request. I am going to leave it to the rest of the House; but I shall object to any other similar requests.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Chairman, we have here in one amendment composed of numerous paragraphs proposals for duties on hides, various kinds of leather, boots and shoes, and harness, all of which are now on the free list. This amendment is presented by the gentleman from New York [Mr. CROWTHER]. Let us see just where we are and what the issue is. The papers this morning carried the news item that this amendment would be offered as a concession to agriculture. That sounds attractive. I am afraid some of my farmer friends in this House are going to swallow this amendment just because they have been told it is a concession to agriculture or that it is a part of the farm-relief program.

There were a number of proposals before the Ways and Means Committee for duties on hides, leather, and leather products. I studied all of them, and came to the conclusion that the farmers had more to lose from the proposed duties on leather, boots, shoes, and harness than they would gain from the proposed duties on hides. The amendment before the House is especially objectionable from the standpoint of the farmers and cattlemen.

The question before the House for your determination is not whether you are for or against a duty on hides. The question is: Are you willing to or should you vote for a small duty on hides which carries with it a large duty on shoes and harness?

The amendment provides for a duty on hides of 10 per cent ad valorem, 12½ per cent to 15 per cent duty on leather, and 20 per cent duty on shoes, and also duties on harness, saddles, and so forth. The gentleman from New York told you that all these articles and duties were placed in one amendment so you could see the whole picture. After you have seen the whole picture and understand it, I am sure you will decide that this picture should be framed and hung on the wall and not be made a part of this tariff bill.

The gentleman from New York in his argument in favor of this amendment told you that the proposed duty on hides is 10 per cent. That is correct. Then he tells you that the rates on leather, boots, shoes, and so forth, are compensatory. In his masterful argument he always referred to these rates as "compensatory rates." I wonder how many Members of this House understand the difference between compensatory duties and protective duties?

A compensatory duty is one imposed on the finished product because of a duty on the raw material out of which such finished product is made. That is, the compensatory duty on the finished product is made necessary to protect the manufacturer on account of the added cost imposed by a duty upon his raw material. A protective duty is imposed to equalize differences in costs of production here and abroad.

For instance, when raw wool was on the free list there was no compensatory duty on cloth made of wool; but there was a protective duty on cloth made of wool to meet differences in costs and competitive conditions here and abroad. Now, we have a duty on raw wool and, therefore, on cloth made of wool we have (1) a compensatory duty because of the added cost of the raw material, and (2) a protective duty to take care of the differences in costs of production here and abroad. If raw wool should be placed back on the free list, we would at once go through the bill and cut out all the compensatory duties on the manufactures of wool and leave only the protective duties.

Hides are now on the free list, leather is on the free list, and shoes are on the free list. The proposal is to place them on the dutiable list. Up to this minute the only thing we have heard discussed is the compensatory duties on leather, shoes, harness, and so forth, made necessary because of the 10 per cent duty on hides, the raw material.

The compensatory duty is the duty that is made necessary because of a duty on the raw material and to take care of the increased cost of the raw material and only of the increased cost of the raw material. Compensatory duties do not take care of anything else. If you want something more than a compensatory duty, a protective duty to take care of the difference in the cost of production here and abroad, you add to the compensatory duty a protective duty, and very often, especially in the wool schedule on the manufactures of wool, we have in each paragraph two duties, one a compensatory duty and the other a protective duty. In cotton manufactures or cotton goods we have only a protective duty, because there is no duty on the raw material; that is, the raw cotton. If you should put a duty on the raw cotton and it was necessary to import a considerable amount of cotton to meet our needs, you would have to put a compensatory duty on the finished product as well as a protective duty.

Here is a principle that you can not get away from. Any raw material which you have to import in its entirety or in any considerable quantity, if you put a duty on it, it is going to add to the cost of the finished product. You can not get away from that. In many instances a protective duty does not increase the cost to the consumer because of competitive conditions, merchandising methods, and other conditions which are involved, but keep your mind now on the meaning of compensatory duties. If we had no duty on raw wool, there would be no question but what we would have cheaper cloth made of wool. We put a duty on wool and therefore we carry a compensatory duty on the finished product in order to take care of the additional cost of the raw material.

Now, is this part plain? If it is, I will proceed to make a few observations about the industry in general. Beginning at the top, most of the shoe manufacturers, as I get it from the hearings, and from the men who appeared and talked for the trade, want to be left alone. Ninety per cent of the shoe manufacturers of the country would like to have free shoes, free leather, and free hides.

There is some distress in the shoe industry along certain lines. There is no distress among manufacturers of men's shoes. There is some distress in Massachusetts among manufacturers of ladies' shoes. I can not discuss that in detail, but I call your attention to the fact that was uncontradicted in the hearings before our committee, and that is that the shoe industry is overbuilt. Mr. McElwain, who appeared for the shoe manufacturers' association, and also the labor leader who appeared before the committee on behalf of the workers, admitted we had enough factory floor space in the United States to manufacture in six months all the shoes we need in a year.

When you have an industry that is overbuilt like this, there are bound to be individual units of the industry in distress.

Mr. ANDREW. Will the gentleman yield?

Mr. RAMSEYER. Not now.

That is the situation, and the distress is localized chiefly in parts of New England. Another thing the matter with you folks in New England is that your shoe industry has been moving westward just like your cotton mills have been moving southward.

Mr. CONNERY. Will the gentleman yield?

Mr. RAMSEYER. Wait a minute.

We have an importation of leather of between 30 and 40 per cent of our consumption. We can not get along without importing leather any more than we can get along without importing wool. We import about one-third of our consumption of wool and will have to continue to do so for years to come. The production of wool can be encouraged by a duty on wool, because sheep are raised for both wool and mutton. You can not encourage the production of hides by a duty on hides, because the hide is a minor part of the animal and cattle are not raised for the sake of the hides.

Some of the farm organizations asked for a duty on hides. What they asked was not less than 45 per cent ad valorem. That, on the basis of hides valued at 15 cents a pound, means a duty of 6.75 cents per pound. What do you propose to give them in this amendment? Ten per cent ad valorem. That, on the basis of hides valued at 15 cents a pound, means a duty of 1.5 cents a pound.

What did some of the shoe men ask as a duty on shoes? Twenty-five per cent ad valorem. Of course, they did not expect to get half that much. What do you give them in this amendment? Twenty per cent, or within 5 per cent of what they ask. The cattlemen asked for 45 per cent ad valorem on hides and you propose to give them 10 per cent, or within 35 per cent of what they ask.

Now, the proposal that has been made by the leather and shoe men is that they will agree to a duty on hides if the farmers and cattlemen will agree to compensatory duties on leather, shoes, and so forth. Remember what I said in regard to the meaning of a compensatory duty. Let us figure a little.

The cattlemen asked for a hide duty of 45 per cent. On a 50-pound hide, valued at 15 cents per pound, the duty would amount to $3.375. In the amendment they are offered 10 per cent, which on the 50-pound hide at 15 cents per pound would amount to 75 cents.

If the duty is fully effective to the cattleman, he, under the proposed duty of 10 per cent on hides, would get an additional 75 cents on each steer or cow he sells. I am sure there is not a man or woman in this House so uninformed as to claim that this small duty on hides would make a penny's difference in the selling price of a cow or a steer. On the other hand, no economist will deny that the proposed duty on hides and leather will add to the cost of leather and leather goods like harness and shoes.

You farm fellows in the House have brought some of this trouble on yourselves. You have been trading. [Laughter and applause.] You may know how to trade steers, but when you undertake to trade tariff rates with New England Yankees that is quite another thing. [Laughter.]

Mr. CROWTHER. Will the gentleman yield?

Mr. RAMSEYER. Wait a minute. If the gentleman will give me more time I will yield.

Mr. CROWTHER. I want to ask the gentleman if he really thinks that is a fair statement to make?

Mr. RAMSEYER. About what?

Mr. CROWTHER. About trading with Yankees. Does the gentleman think that is an honest and fair statement for one man to make against others in the House?

Mr. RAMSEYER. There has been some dickering among the farm fellows of the House and those favoring duties on leather and shoes. I do not assert that the gentleman from New York had anything to do with it or that he even knew of it. Nevertheless there has grown up an understanding that if the leather and shoe men agree to a duty on hides the cattlemen will consent to compensatory duties on leather and shoes.

Now, let us get at the meat of the amendment before us. The Ways and Means Committee started to figure on this proposition on the basis of a duty on hides of 5 cents per pound. We asked the experts of the Tariff Commission to figure out compensatory duties on leather and products made out of leather on that basis. Before they figured that out the committee changed to the basis of 10 per cent ad valorem on hides and the experts started to figure compensatory duties on this new basis.

The gentleman from New York correctly stated that he was given direction to frame this amendment within the limits of 10 per cent on hides and 20 per cent on shoes. The fallacy of this direction lies in the supposition that the compensatory ad valorem duty on the finished product must be higher than the duty on the raw material. To illustrate: Take hides valued at 15 cents per pound, and an ad valorem duty of 10 per cent on hides means an added cost to the raw material of 1.5 cents per pound of green hide. It takes 6 pounds of green hide to make a pair of men's cowhide shoes. That makes the added cost of making a pair of such shoes 9 cents. Take the cost of manufacturing such a pair of shoes at $2.50. The amendment proposes a duty on imported shoes of 20 per cent, and a pair of shoes valued at $2.50 would pay a duty of 50 cents. In the way of a compensatory duty all such a pair of shoes needs is 9 cents.

Take the raw material and apply manufacturing processes, the value is increased by each process. Leather is more valuable than hides and shoes more valuable than leather. Starting with a certain ad valorem duty on the raw material and adjusting compensatory ad valorem duties on the finished products the ad valorem duties in most instances should be less on the finished products than on the raw material.

I have before you here some figures on the blackboard. The first column of figures were not available until last Saturday evening. The experts of the Tariff Commission then furnished me with their compensatory duties on leather on the basis of a duty on hides of 10 per cent. The gentleman from New York received these figures the same time I did. I shall insert the table in the RECORD at this place showing the compensatory duties on leather on the basis of 10 per cent ad valorem duty on hides, including calfskins, to wit:

Leather classification	Compensatory duty recommended by Tariff Commission experts	Duty proposed in the bill	Increase in rates in the bill over rates recommended by Tariff Commission experts
	Per cent	*Per cent*	*Per cent*
Sole leather	7.07	12.5	62
Belting leather	3.25	12.5	281
Harness leather	5.25	12.5	138
Side upper leather	10.19	15	48
Bag, case, and strap leather	3.72	20	437
Calf and whole kip leather	6.65	15	125
Shoes valued at $2.50 made of cattle hides at 15 cents per pound	3.6	20	455

In this table before you, you see in the first column the leather classification; in the second column, the compensatory duty on each article in the first column, as figured out by the Tariff Commission experts; in the third column is the duty proposed in the bill on each article named in the first column; and in the fourth column you see the per cent of increase in the rates in the bill over the rates recommended by the experts of the Tariff Commission.

The table tells its own story. Just one word in explanation on the item of shoes. That was not included in the report I received last Saturday. I hold in my hand a pamphlet from the Tariff Commission, Tariff Information Series No. 28, Hides and Skins. On page 23 of this pamphlet are two tables, both of which, together with other tables, I shall insert in the RECORD at the conclusion of my remarks. It was from the second table on this page I obtained the information on shoes in the first and second columns in the table, showing the compensatory duty on shoes to be 3.6 per cent, which you see on the blackboard and which will appear in the body of my speech.

I do not know what you think about this amendment which you will vote on within an hour, but, in the face of the facts and figures I have presented to you, I do not want anybody during the rest of this debate to urge this amendment as a concession to agriculture or that the proposed amendment is in the interest of farm relief. [Applause.]

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. STAFFORD. Does the gentleman believe in a protective tariff so far as the calf-leather industry is concerned?

Mr. RAMSEYER. There is more distress in the calf-leather industry than in the industries making other leather. There is no question about that. As I said before, we have to import 30 to 40 per cent of our leather in order to meet the needs of our country. Whatever trouble there is in the leather industry is not due primarily to imports.

I admit there is some distress in spots in the shoe industry. The ladies' shoes exhibited before you by the gentleman from New York as coming from Czechoslovakia are not cattle or cowhide shoes at all.

Mr. MURPHY. They do not wear them any more.

Mr. RAMSEYER. The question here is on cattle and cowhides.

Mr. MURPHY. Oh, no. That is not fair competition.

Mr. RAMSEYER. The question here is what duties shall be placed on leather and leather products, if we place a 10 per cent duty on cattle hides.

Mr. STAFFORD. Does the gentleman know what price per pound sole leather is to-day? Is it 46 cents? One pound in a man's shoes, at 12½ per cent, means 5 cents on the soles.

What is the price of sole leather to-day?

Mr. RAMSEYER. The gentleman asks a question, answers it, and then asks the same question over again. I do not know whether the gentleman's figures are correct. The price of sole leather to-day is one thing; it was different a month ago, and will likely be something else a month hence. One thing I do know is that, with a duty on hides of 10 per cent, the compensatory duty on sole leather should be 7.07 per cent and not 12.5 per cent, as asked for in the amendment.

The Members of this House, who believe there is distress in the calf-leather industry and in certain types of ladies' shoes, due to foreign competition, should have made out their cases and offered amendments to take care of those situations. Instead, we have here an amendment proposing a low duty on hides, which will be ineffective so far as the cattle raisers are concerned, and high duties on all products made of cattle hides, most of which do not need any duty at all.

One more word about calf and kip leather. In 1928, according to the Tariff Commission figures, we exported more calf and kip leather than we imported. The value of the imported leather was as high and in some instances higher than the domestic leather. We exported calf and kip leather to 84 foreign countries where we had to meet the competition of the leather manufacturers of the world. Does that look like distress in the industry? I have many other facts and figures I could present, but my time is up. I hope you will vote against the amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, under leave to extend my remarks and to insert certain tables I submit for printing in the RECORD the following:

First. That table from the experts of the Tariff Commission which I received last Saturday, May 25, 1929, and to which I referred in my speech.

Basis of duty on hides and a compensatory duty on leather (assumed duty on cattle hides and calfskins, 10 per cent ad valorem)

Leather classification	1 Units of quantity	2 Quantity of leather, pounds or square feet, produced from 100 pounds of imported green cattle hides or calfskins[1]	3 Weighted average value of imported green cattle hides or green calfskins (1924–1928)	4 Amount of duty per 100 pounds of cattle hides or calfskins at assumed rate of 10 per cent ad valorem	5 Value per pound or square foot of imported leather (weighted average of imports 1924–1928)	Compensatory duty on leather	
						6 Specific column 4 divided by column 2	7 Computed ad valorem column 6 divided by column 5
							Per cent
Sole leather	Pounds	66⅔	$9.1713	$1.713	$0.3675	$0.026	7.07
Belting leather	do	70	.1713	1.713	.7376	.024	3.25
Harness leather	do	70	.1713	1.713	.4174	.024	5.75
Bag, case, and strap leather	Square feet	90	.1713	1.713	.5111	.019	3.72
Upholstery leather	do	85	.1713	1.713	.3402	.020	5.88
Side upper leather	do	77	.1713	1.713	.2158	.022	10.19
Patent side leather	do	78	.1713	1.713	.3643	.022	6.04
Calf and whole kip leather	do	110	.2618	2.618	.3610	.024	6.65

[1] On the basis of data furnished by tanneries on each of the leather classifications.

Second. The first table, on page 23 of Tariff Information, Series No. 28, Hides and Skins.

Specific compensatory duties on leather and leather products necessary to balance assumed specific duties on green hides[1]

Assumed duty on cattle hides (green basis)	Sole leather	Belting and harness leather	Upper leather	Shoes made of cattle hides only	Shoes having cattle hides in soles, welting, etc., only
	Factors for conversion[2]				
	1½	2	1¼	6	4
Cents per pound	*Cents per pound*	*Cents per pound*	*Cents per square foot*	*Cents per pair*	*Cents per pair*
1.0	1.5	2	1.25	6	4
1.5	2.25	3	1.88	9	6
2.0	3.0	4	2.50	12	8
2.5	3.75	5	3.13	15	10
3.0	4.50	6	3.75	18	12
3.5	5.25	7	4.38	21	14
4.0	6.0	8	5.0	24	16
4.5	6.75	9	5.63	27	18
5.0	7.50	10	6.25	30	20
5.5	8.25	11	6.88	33	22
6.0	9.0	12	7.50	36	24

[1] Interest charges because of increased cost and duties on tanning materials and oil not included.

[2] The conversion factor here used is figured on the basis of the average amount of hide necessary to produce leather and leather products, i. e., 1½ pounds of hides produce approximately 1 pound of sole leather; 2 pounds of hides produce approximately 1 pound of belting and harness leather, etc.

Third. The second table on page 23 of Tariff Information, Series No. 28, Hides and Skins.

Ad valorem compensatory duties computed on leather and leather products necessary to balance assumed ad valorem duties on green hides with assumed values for the different products[1]

Assumed duty on cattle hides (green basis) valued at $0.15 per pound	Sole leather	Belting and harness leather	Upper leather	Shoes made of cattle hides only	Shoes having cattle hides in soles, welting, etc., only
	Assumed values per unit[2]				
	$0.30 per pound	$0.30 per pound	$0.40 per square foot	$2.50 per pair	$3.50 per pair
Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*	*Per cent*
5	3.75	3.75	3.75	1.8	0.86
7½	5.625	5.625	5.625	2.7	1.29
10	7.500	7.500	7.500	3.6	1.72
12½	9.375	9.375	9.375	4.5	2.15
15	11.250	11.250	11.250	5.4	2.58
17½	13.125	13.125	13.125	6.3	3.01
20	15.000	15.000	15.000	7.2	3.44
25	18.750	18.750	18.750	9.0	4.30
30	22.500	22.500	22.500	10.8	5.16

[1] Interest charges because of increased cost and duties on tanning materials and oils not included.

[2] Values are assumed to be normal values but are higher than pre-war figures.

Fourth. A recent memorandum from the office of the Tariff Commission:

(Interoffice memorandum)

UNITED STATES TARIFF COMMISSION,
May 23, 1929.

To: Ralph A. Wells.
From: George D. Watrous, jr.
Subject: Compensatory duties on boots and shoes on the basis of a 10 per cent ad valorem on cattle hides and calfskins.

The weighted average value of cattle hides (1924–1928) was $0.1713 per pound, and 10 per cent ad valorem amounts to $1.713 per 100 pounds.

The weighted average value of calfskins (1924–1928) was $0.2618 per pound, and 10 per cent ad valorem amounts to $2.618 per 100 pounds.

UPPERS

One hundred pounds of hides equal 77 square feet of side upper leather, and the compensatory on the latter is 2.22 cents per square foot.

One hundred pounds of calfskins equal 110 square feet of calf upper leather, and the compensatory rate on the latter is 2.38 cents per square foot.

SOLES

One hundred and forty and twenty-five one-hundredths pairs of soles are obtained from 100 pounds of sole leather.

Sixty-six and two-thirds pounds of sole leather are obtained from 100 pounds of hide, making the compensatory 2.57 cents per pound on sole leather. Of 100 pounds of sole leather only 75 per cent can be used for soles, so 75 per cent of $2.57, or $1.93, is the compensatory attributable to the soles obtained from 100 pounds of sole leather.

One dollar and ninety-three cents divided by 140.25 indicates that the compensatory on soles should be 1.38 cents per pair.

COUNTER, BOX TOE, ETC.

A duty of 10 per cent ad valorem on hides is in effect a rate 66 per cent lower than 5 cents a pound would be. Accordingly Mr. McElwain's estimates based on an assumed 5-cent rate have been reduced by 66 per cent. (See previous memoranda by George D. Watrous, jr., dated April 19 and May 17, 1929.)

General

	Cents per pair
Men's calf:	
2.25 feet of calf at 2.38 cents per foot	5.36
2 pairs of soles (inner and outer) at 1.38 cents per pair	2.76
Counter, box toe, etc.[1]	1.26
	9.38
Men's hide:	
2.25 feet of hide at 2.22 cents per foot	5.00
2 pairs of soles (inner and outer) at 1.38 cents per pair	2.76
Counter, box toe, etc.[1]	1.26
	9.02
Women's calf:	
2 feet of calf at 2.38 cents per foot	4.76
2 pairs of soles at 1.38 cents per pair	2.76
Counter, box toe, etc.[1]	.92
	8.44
Women's hide:	
2 feet of hide at 2.22 cents per foot	4.44
2 pairs of soles at 1.38 cents per pair	2.76
Counter, box toe, etc.[1]	.92
	8.12
Weighted average men's shoes (50 per cent calf, 50 per cent hide)	9.20
Weighted average women's shoes (100 per cent calf)	8.44
Weighted average all shoes (79 per cent men's, 21 per cent women's)	9.04
Shoes with uppers of nondutiable leather:	
Men's shoes	4.02
Women's shoes	3.68
Weighted average (79 per cent men's, 21 per cent women's)	3.95

Respectfully submitted.

GEORGE D. WATROUS, Jr.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HUDSPETH to the committee amendment: Paragraph 1531, section 8 (a), strike out "10 per cent" and insert "20 per cent."

Mr. HUDSPETH. Mr. Chairman and ladies and gentlemen of the House, a due regard for the safety of my health and endeavoring to follow the strict admonition of my physician against the making of any extended speeches until I have fully regained my strength, will preclude a full discussion of this tariff bill as it pertains to industry and agriculture as I would very much like to discuss it at this time.

[1] Decreasing Mr. McElwain's computation by 66 per cent, approximately the decrease in the duty on hides from $5 to $1.713 per 100 pounds.

My tariff views are well known on this floor and to many Members of this Congress. However, there are many new Members of this body to whom I have not made known my tariff views. Hence I will again ask your kind indulgence in order to restate my position.

I did not request any time in general debate on this bill, preferring to make my suggestions when the bill was under consideration for amendment. I should not have arisen at this time if an adequate duty had been offered on all the products of the section from which I come by those who drafted this measure in committee.

Fairness compels me to state, however, that most of the products of the district I have the honor to represent have, in a measure, been reasonably taken care of. The people I represent are farmers, livestock producers, oil producers, and day laborers to a major extent.

This bill, Mr. Chairman, will, in my judgment, guarantee a reasonable wage to the man and woman who make their living and eat their bread in the sweat of their brow, help maintain a better standard for American labor, and prevent competition with pauper labor where the standard is below that of this country.

With the exception of an adequate duty on hides, it carries reasonable duties on the products of the ranch. And as far as farm products are concerned, it embraces more of these than any measure, as far as my observation goes, brought before Congress since the Civil War.

Yet I will state to you, my friends, it is far from being a perfect measure. It is not by any means what I would denominate a competitive tariff. And that is what my party—the Democratic Party—declared for unequivocally in its platform at the Houston convention last year, and likewise in its platform at New York four years ago.

And I might say right here that it does not fulfill the platform obligations of the Republican Party as announced in its platform at Kansas City last June. There they declared for such a tariff as would put agricultural products on a parity and raise them to the level of manufactured articles.

This bill as it emerged from the Ways and Means Committee does not do that by any means. You have placed, or propose to place by your committee amendments you are now offering, an adequate duty, and in many schedules largely excessive duties, on all manufactured products, while on many agricultural products you place small and inadequate duties, and on some no duties whatsoever.

You have only offered a duty of 10 per cent ad valorem on imports of hides (which I shall attempt to raise by this amendment I have just offered to 20 per cent), while you are offering a duty of 20 per cent on boots and shoes, and 15 per cent ad valorem duty on imported leather.

You Republicans can not justify this discrimination against the farmers and livestock producers of this country. And you will probably vote down my amendment raising the duty on hides to the same amount you are proposing on boots and shoes, you have the votes bound and gagged to do it. But you will not attempt to justify your action.

No man, living or dead, can stand before this Congress, or any American audience, and truthfully contend that the New England manufacturer of boots, shoes, and leather goods should have twice the duty on his products, when there were exported 5,000,000 pairs of boots and shoes last year, as against an export of about 60,000 hides.

If the manufacturers are losing so much money on their products of leather, why are they exporting such an enormous quantity? I pause for an answer from my New England friends, but none is forthcoming.

The only plea that is made (and I would not say it is not based upon some fact) is that there are now thousands of idle workers walking the streets in the cities of the industrial North where leather is manufactured. May be quite true, but it will not take double the duty you propose to place upon hides that you are placing on shoes to rekindle your furnaces and put these idle people back to work.

Now listen, you anti-hide-tariff gentry. Here is the story. In 1908 when we had a duty of 15 per cent ad valorem on hides there were imported into the United States 3,233,000 hides of all kinds. In 1928, hides on the free list, 84,000,000 hides came in here from foreign countries, produced by inferior and pauper labor, to compete with our domestic-raised hides produced by well-paid labor.

And you still howl for twice the duty on boots and shoes you are willing to place on hides. I have heard some of these little fellows over there on the Republican side and one or two "sharpshooters" over here on my side whispering it around since this bill came up that "a duty on hides would not benefit the cattleman, but would go into the pockets of the packers."

If that is true, brother leather Representative, why is every packer and every packer's son and son-in-law fighting this duty on hides? Name me a single packer or a packer's representative that is in favor of a duty on hides. I challenge you to name one. No answer.

Now I am not antipacker. I have never denounced them except when they think they are bigger than the laws of our country and attempt to override them by brute force and full money bags.

The packers are much needed institutions in the livestock industry. They furnish us a market for our old culled cows and canners that we would have to let die on our ranges. They fill an important place in our great economic system, but they are human beings and like all mortals have their frailties as well as virtues.

Now, why are the packers opposing a duty on hides? My reason tells me because they have many abattoirs and branch plants in Brazil, the Argentine, and other South American countries, where they purchase and slaughter many million cattle annually and have been doing since 1909, when you Republicans removed the duty from hides, permitted to ship in from four to eight million cattle hides annually duty free from these packer plants. Is not this sufficient reason?

This Congress has been flooded with more insidious propaganda from leather manufacturers and wholesale boot and shoe houses against placing a duty on hides than any previous Congress, I dare say, for the past 50 years. Basketfuls have come to my office and every other Congressman—most of the documents anonymous.

Of course, a person making false and misleading statements will not have the courage to sign his name.

Now, some of these little "harpies" are going around saying if you levy a duty on hides it will greatly increase the price of footwear to the consumer, the farmer will lose more than he gets back.

Well, there are two complete answers to this statement. You Republicans came along in 1909 and, at the command of the leather manufacturers, from whom you get fat campaign contributions every two years, removed a duty of 15 per cent ad valorem on hides, leaving a 25 per cent ad valorem duty on boots and shoes. And everybody who has a memory as long as a toothpick will recall that boots and shoes advanced.

The Underwood bill, a Democratic measure, came along in 1913, removing the duty on boots and shoes, and the World War intervened shortly, and still boots and shoes advanced. The country was flooded with foreign hides, and the old farmer's and ranchman's hide was hardly worth taking from his animal.

Anyone here prepared to refute that statement? No one answers. Another irrefutable answer is this: The expert at the Tariff Commission informs me that it takes six pounds of green or raw hide to make a pair of shoes. The average grown cowhide will weigh 60 pounds. Therefore, 10 pairs of shoes can be manufactured from 1 hide.

A 20 per cent ad valorem duty on hides, according to this expert, would increase the cost of a pair of shoes 15 cents. The average family is composed of five persons. Each person, we will say, averages 2 pairs of shoes per annum, making 10 pairs of shoes consumed by each family. The duty would cost each family $1.50 total.

The Agricultural Department estimates 10 head of cattle to each farm unit. And we will say the farmer markets two hides each year, which is a low estimate. The average value of hides from grown animals, so the Commerce Department tells me, American valuation of imported hides, is $7.50—a 20 per cent duty on this hide would amount to $1.50. This would amount to $3 on the sale of the farmer's two hides. Therefore you would readily see that while the 20 per cent duty would cost the farmer $1.50 he would be making a net gain on the advanced price by reason of the duty of $1.50. And while the farmer is a producer he is also a consumer.

The first duty ever placed on hides was in 1846, of 5 per cent ad valorem, by a Democratic Congress. This was continued until 1862, during the Civil War, when it was increased to 10 per cent ad valorem. This was continued until 1883, when the duty was removed under a Republican administration. Hides were left on the free list under succeeding Democratic and Republican administrations until 1897, when they were restored to the dutiable list under the Dingley Bill, a Republican measure, when a 15 per cent ad valorem duty was placed on hides and 25 per cent on boots and shoes.

This was continued until 1909, when a Republican Congress removed the duty on hides. And this was a rank discrimination against the livestock producer. But their unpardonable sin was leaving a duty on articles manufactured from leather.

Oh, some misguided Democrats voted for this discrimination, but it was passed by a Republican House and Senate and approved by a Republican President.

However, let me say to the credit of the Congressmen from my State that every one, with one single exception, by their votes, tried to prevent this gross injustice to our livestock producers. We had able men, all good Democrats, from Texas then, as I contend we have the ablest delegation in Congress now, with the possible one exception of the gentleman who is addressing you. [Laughter.]

Anyway, thank the good Lord, we again have a solid Democratic delegation, if Texas did break over the traces and go a little wild in the last election. [Laughter and applause.]

You Republicans need not smile over there. Your hilarity will be short lived, and we will get together and lick the life out of you four years from now, and my State will resume her old place at the head of the Democratic table.

Now, when this bill reached the Senate, those two intellectual giants of Texas, representing the Empire State of the Union, voted against taking the duty from hides. One of them was then the leader of the Democratic party in the Senate—that sterling Democrat without a spot or blemish upon his official record, covering a period of over 30 years; a man who was honored by the Democracy of my State in the highest offices within the gift of our people, four years as attorney general, four years as governor, and 24 years as United States Senator—Charles A. Culberson. [Applause.]

Then came the towering, commanding figure of another great Texan and Democratic leader of the Nation to thunder forth his denunciation in tones of eloquence and forensic logic against this rank injustice that smelled to high heaven—at one time the leader of the Democrats at the youthful age of 34 in this great deliberative body—and I may add the greatest exponent of a tariff measured by equal and exact justice upon every industry, without discrimination as to any, the greatest exponent of State's rights and defender and knowledge of a written Constitution, with the exception of my beloved friend, Congressman HENRY ST. GEORGE TUCKER, the noble Democratic Roman from the "Old Dominion," of any other man who has ever honored this body by being a Member. I could only refer to Joseph W. Bailey. [Great applause.]

On the birthday of that great apostle and founder of Democracy, whom he so often quoted and admonished the Democracy of his day to emulate and follow, Thomas Jefferson, in the court room at Sherman, Tex., while mingling with his friends in jovial social converse, after making a great and convincing legal argument to the court, the grim reaper suddenly cut him down. And his eyes were closed in death. He now sleeps beneath the soil in the old county of Cook, where his first love, transplanted from old Copiah County, Miss., took root and flourished under the azure skies of his adopted State that loved and honored him all the days of his life.

Oh, he had his enemies and critics in this life, as all great men have. But, thanks be to God, all criticism stood silenced at his grave. He was my friend. I cherish his pure unselfish friendship as one of the bright and shining memories of my earthly existence, for I say to you, my friends, I loved him from the time he walked across my boyish fancy with easy strides to success. [Applause.]

Senator Bailey believed that a tariff should be levied on all the raw products equal to that levied upon the manufactured article. This is what I have always believed. I probably go further than Senator Bailey in my advocacy of a tariff.

He advocated, my friends, a tariff on the raw product as long as the manufactured article received a tariff. I advocate a competitive tariff that will enable any necessary industry to survive, and compete with a foreign industry—such a tariff as will equalize the cost of production in this country with a foreign country.

I would not favor a prohibitive tariff. Neither would I favor an embargo tariff in time of peace. Neither would I favor placing a duty on the products of a so-called "hot-house" industry that was not needed in the economic or industrial life of this country, in order that this unnecessary so-called—for want of a better name—"hot-house" institution might survive by virtue of said tariff.

You say the Republican party is the founder of the theory of a tariff upon the products of this country. I say the political history of this country does not bear you out in any such statement.

As I have stated before upon this floor, James Madison, that great Democrat and political philosopher, wrote the first tariff bill introduced the first day in the first Congress of this Nation, It contained a duty, and he so announced, a protective one on

all raw products, such as iron ore, hemp, wool, farm products, as well as manufactured articles, not a high prohibitive duty on manufactured articles, as all Republican tariff bills since the Civil War and some Democratic measures since that time have embraced, and very little or none whatsoever on the raw product of the farmer.

The Republican measures since the Civil War have invariably carried prohibitive duties on manufactured articles and small duties on the products of the farm and ranch. This I can not subscribe to. The answer is the Republican Party, by way of reciprocity, levies upon the manufactories large campaign contributions. They pay, for the reason they reap a remunerative benefit from unconscionably high tariff duties on the articles they produce. While candor compels me to admit that my party has departed from the well-defined principles of the founders of Democracy like Jefferson, Madison, Jackson, and Polk, that kept us in power until the Civil War, and have kept a protective duty on the manufactured article—have in all the various tariff bills since the Civil War period let the farmers' and ranchmen's products go "Scott free."

You ask me why this discrimination against free raw materials in favor of the manufactured article by my party. Candor compels me to answer that political expediency, from my viewpoint, has governed my party in the postwar period, that by carrying a duty on the manufactured article they would get the votes of the New England States for the Democratic ticket They might leave duty free the raw materials of the South, but the Solid South would remain "solid" just the same.

That, my friends, is the only logical answer I can make. But let me warn you gentlemen on my side who signed the Raskob telegram to support a tariff in consonance with our platform pledge, that the worm in the South has turned.

Watch the solid Democratic delegation from Florida vote for this bill. Watch the practically solid Louisiana Democratic delegation vote for this bill. Watch the Democrats from the cattle raising and wool growing States west of the Mississippi largely vote for this bill.

I grant you it is a bill written by Republican members of the Ways and Means Committee, but many of them live in farming and livestock-producing sections. It is not a just and perfect bill by any means, but it carries fairer duties and more of them on the products of the farm and ranch than any bill promulgated by either party since the Civil War. And for that reason I am going to give it my vote on to-morrow. [Applause.]

I contend, and I will show you by platform pledges in recent years from my party, that Representatives of my party on this floor have not kept faith with platform pledges. Would to God, my friends and Democratic associates, that we had a Bailey possessed of the courage to lead us back to the fundamentals of Democracy that declared for a tariff where every industry should share equally.

But that great pillar of Democracy passed out of public life in 1912 and death ended his earthly career on April 13, 1929. He has gone to join those other great apostles of State's rights from that great school of renowned southern Democrats who have occupied a conspicuous place on the Senate stage since the Civil War, such as Hill, Gordon, and Crisp, of Georgia; Hampton and Butler, of South Carolina; Lamar and Prentiss, of Mississippi; Morgan, Pettus, and Bankhead, of Alabama; Garland, Berry, and Clarke, of Arkansas; and Reagan, Coke, Maxey, and Culberson, of his adopted State of Texas. And let me say right here that his name does not suffer by comparison with the names of these great statesmen and Democrats who have illustrated and dignified the intellectual thought of American public life. [Great applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes more without taking the time out of the time heretofore determined upon. Is there objection?

Mr. HAWLEY. The gentleman can have five minutes with the consent of the House. Any additional time must not be taken out of the time agreed upon.

Mr. COLLIER. Mr. Chairman, the gentleman from Texas has studied this matter for a long time. He knows personally so much about it, probably more than any other member, as to proper duty on livestock products that I want to supplement the gentlemen's request.

The CHAIRMAN. Will the gentleman from Texas please state what his request is?

Mr. HUDSPETH. It is that I may speak for 10 minutes.

Mr. HAWLEY. I shall have to object to any such further request to be taken out of our time.

Mr. ARENTZ. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may have his time extended by 10 minutes.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent that the time of the gentleman from Texas be extended by five minutes, which will mean that it must come out of the hour. Is there objection?

There was no objection.

Mr. HUDSPETH. Now, Mr. Chairman, let us take up other agricultural products, some of which still remain on the free list.

You will recall, ladies and gentlemen, that President Hoover gave as his reason for reconvening this Congress that, under the present tariff law, agriculture was not on a level with industry, meaning the products of agriculture, as far as the tariff duties levied, were far below manufactured articles.

That is true. Now, if you will scan each tariff law since the Civil War you will readily see that manufacturers have gotten the "lion's share" and the farmers' products been woefully neglected.

Take cotton for an example. Heavy duties laid upon all cotton imports in this bill, but no duty on raw cotton. Several million bales of long-staple cotton are produced in the western portion of my district, about 200,000 bales long-staple cotton imported into this country annually. I do not believe a duty on short-staple cotton would materially help our domestic cotton producers, as we produce one-third more than we consume, having to find a market for several million bales of our cotton abroad. But a reasonable duty on long-staple cotton produced in Egypt by cheap labor and a substantial duty on vegetable oils would certainly redound to the advantage of our cotton producers. Likewise a duty on jute would be of some benefit.

Now, I went before the Ways and Means Committee, not once but several times, and urged them to place in this bill adequate duties on long-staple cotton, vegetable oils, jute, tomatoes, all classes of vegetables, and farm products. Many of these farm products were on the free list, such as tomatoes, pepper, and so forth.

This bill carries a duty on almost every product of the farm, but some of these duties are not adequate to protect our domestic farmers from foreign competition, as you Republicans formerly said to equalize cost of production at home and abroad. But you go beyond that now.

DUTY ON OIL

I also urged upon the Ways and Means Committee the need of a reasonable duty on crude oil to protect our domestic oil producer against the cheap product of Mexico and other countries. This also you denied.

Truck and vegetable farming has become quite an industry in my home county of El Paso—many small farmers engaged exclusively in production of vegetables—and we have had a splendid local market.

However, the Mexican farmer, just to the south of the Rio Grande, has become a great menace. He gets his water free, it being furnished from the United States, under the treaty of 1906, and the delivery of same paid for by the American farmers on this side.

I hold in my hand a clipping from an El Paso paper showing how the Mexican farmers are flooding the markets in El Paso with their cheap vegetables, to the serious detriment of our good American farmers in the valley, who have to pay for their water and more for their labor, making it impossible for them to compete in prices with the Mexican farmer.

I call this to the serious attention of the gentlemen of the Ways and Means Committee and Members of the House, while a tariff has been levied on nearly every vegetable product—some have been taken from the free list under existing law and placed on the dutiable list in this bill—still I do not believe the duties are sufficiently high to equalize the cost of production as between my American farmers and those near-by in Mexico.

Other things should be taken into consideration in letting in these Mexican vegetable products; and in connection with this statement I desire to call to your attention a statement appearing in the El Paso Times:

FARMS IRRIGATED FROM SEPTIC TANKS

Water from septic tanks is being used to irrigate truck farms southeast of Juarez, it became known yesterday, when Dr. Jesus Frias, city health officer, started a campaign to remedy the condition.

The water is pumped from the tanks and runs through a small canal several miles into the river, officials said.

It was pointed out that several small truck farms in that vicinity are irrigated with the filthy waters, and it is feared that a serious epidemic might occur.

City officials yesterday declared that farmers have been warned not to use the water and that new sewer pipes will be placed in that vicinity in the near future.

If this information is correct an absolute embargo should be placed against Mexican imports of vegetables and fruits, to protect the life and health of innocent people.

I stressed the importance of a competitive duty on all vegetable and farm products before the Ways and Means Committee, and I observe you have placed some duty on practically all. Also I am gratified to see a reasonable duty on alfalfa, pepper, and pecans, items which I contended for in the committee.

Now, my friends, I want to be, and shall be, just to the Republican members of the Ways and Means Committee who drafted this bill, as I notice you excluded the Democratic members from any participation. And I also desire to be fair with the Members of this House.

I have in the district I am attempting to represent a greater number of cattle, sheep, and goats than any other district in the United States. Seventy-five per cent of the goats in the United States are now bleating in my district. In Bandera County, where I was born, it is the chief industry, and they raise the best quality of mohair. In another county—Edwards—the agricultural report for last year showed over 300,000 goats—as fine Angoras as can be found in any part of the world.

There are a dozen counties in this district especially adapted to growing fine goats, and it always will be a goat-raising section.

Now this bill carries an adequate duty on wool and mohair if the American valuation prevails, and an honest and accurate test of shrinkage is had at the port of entry. Now, I mean as applying this duty to the finer grades of wool that come in competition with our best merino wools.

However, there is a class of wool known as below 44s, where you have lowered the duty from 31 cents to 24 cents.

This coarse wool comes in largely from South America and enters in competition with our domestic mohair to a dangerous extent. This duty on these low-grade wools such as A4s, A5s, and A6s, should be placed back to at least 31 cents scoured content, and as to these wools below 44s, I am reliably informed by a friend in Boston who was one of the Government wool classifiers during the World War, that it is very difficult to classify the wool so as to differentiate as between it and finer merino imports above 44s.

I have called this to your attention several times, and I again appeal to you in a spirit of fairness to our domestic wool and mohair producers to reinstate this duty to its present 31 cents.

Also to make this a just bill to the home producer a greater duty should be carried in this bill on noils, waste, shoddy wool, and rags. These all compete with domestic wool, and especially imported rags. You have increased the duty on rags 1 cent over the present law. But you should have increased it at least 10 cents additional.

Members of the House, I made the prediction seven years ago, when we passed the first emergency tariff, that if the tariff on wool was carried forward for 20 years, the domestic production would be sufficient to supply our home consumption.

Since that time sheep have increased 12,000,000 head, 2,500,000 of this increase being in Texas.

Ten more years and we will reach the mark set.

Now, my friends, I have tried to state fairly my objections to this measure and also the features to which I give assent.

Taken as a whole, it is a fairer measure as applying to farm and livestock products—candor, gentlemen, compels me to state that it covers more of these commodities of farm and ranch—than any measure passed in the last 65 years.

For this reason, although I seriously object to the flexible-tariff provision giving to the President the power to raise and lower duties, and I further object to the indefensible, in many instances, duties on steel, iron ore, building material, such as shingles, etc., and other manufactured articles, nevertheless, I believe it will benefit agriculture and livestock and tend toward placing these industries on a stable basis. I shall vote for this bill on to-morrow. [Applause.]

Mr. WOODRUFF. Will the gentleman from Texas yield?

Mr. HUDSPETH. Yes. I yield to my friend.

Mr. WOODRUFF. My friend acknowledges there is more protection for the farmer in this bill than in all the tariff bills ever written by this Congress?

Mr. HUDSPETH. That is true; I limit to bills since 1860. Yet there are in this bill many duties I do not like. You can not have a tariff of 10 per cent on hides and then put a greater duty on boots and shoes. If you want to help the farmer to a greater extent, you must give a greater duty. [Applause.]

Now, when I state I shall vote for this measure for the reason that it takes care of the products of my district, or a major portion of them, people will say I am not an orthodox Democrat in voting for a measure drafted by a Republican committee.

Well, some people in Texas believe my democracy "O. K." Tested by party fealty at the ballot box, I have a "batting average" of 100 per cent. The middle of last October I was wired to my sick bed by the splendid Democratic chairman, Mr. Wilcox, that the Republicans were misrepresenting and belittling the Democratic tariff plank, and unless I could explain this to my constituents my district would go Republican.

I rolled out of that bed and went on the stump. I said to my cattle, sheep, and goat friends:

"We now have a better tariff plank in our platform than the Republicans, and you can now trust the Democratic Party to write a tariff bill that will deal justly by you and place your products of raw materials on a parity with the manufactured article. My party has at last returned to fundamental Democratic principles, as laid down by Madison and Jefferson and crystallized and made effective by Jackson and Polk—a tariff that bears equally on all industries and will not discriminate against your products in favor of the products of New England."

Some of them shook their heads in doubt and disbelief. They said:

"We know, Claude, you will stand up and raise your voice and give your vote for an adequate duty on our products, but the record of the Democratic Party since the Civil War, in the writing of tariff bills, is not such as to inspire our confidence."

Many of them believed I knew what I was talking about and voted the Democratic ticket from top to bottom. Others doubted and voted for Mr. Hoover. And I must say if they could have heard the recent utterances coming from some on my side, while this bill has been pending, denouncing a duty on hides and other livestock products, they were probably justified in their skepticism of the accuracy of my statements.

There are Democrats within the sound of my voice whom I have heard state they were for a tariff on wool, mohair, cattle, hides, and farm products. And yet they state they will vote against this bill.

Now, I wonder, in view of the fact that this bill carries an adequate duty on wool and mohair; also cattle and meats larger than the previous law; also you are placing a duty on hides, the first in 20 years, and Congressman ESTEP, a member of the Committee on Ways and Means, was kind enough to give me credit for securing this; also many increases in farm products, a number taken from the free list and made dutiable, if my vote should be the deciding vote and I should say, "I can not vote for this bill. I do not like that flexible-tariff provision." Or, "I do not like other administrative features." Or, "I can not stand for some of these high duties on the manufactured article. I am compelled to cast my vote against this measure," and did so, thereby denying my farmers a substantial duty of 6 cents a pound on tomatoes; 3 cents on beans; 2 cents on cabbage; increased duties on all kinds of vegetables; $4 a ton on alfalfa; 6 cents a pound on pecans; substantial duties on fruits; and my livestock producers and dairymen 14 cents a pound duty on butter; 3 cents a pound additional on wool and mohair; 3 cents a pound additional on canned and dressed meats; from one-half to 1 cent a pound additional on imported cattle; $1 a head additional on sheep and goats; and hides taken from the free list and 10 per cent ad valorem placed thereon, thereby increasing the price of cattle from 75 cents to $1 a head—

No. I do not wonder what they would say. They would say, "We went broke in 1894 under the Wilson-Gorman bill, and many of us were on the verge of bankruptcy in 1921 under the Underwood bill. The emergency tariff came just in the nick of time to save the sheepmen in 1922. We are not taking any more chances with a fellow who can not vote for the measure that gives us protection just because he does not like some objectionable features."

Again, I say there are many features in this bill I do not like, but on the whole I believe it is better for the people I represent—and I am here trying to represent the best interests of the people of the sixteenth congressional district first. I am not the keeper of any other man's conscience. I will answer to my constituents. Other gentlemen can answer to theirs. But in voting for this measure I have an abiding belief in my heart that I am not departing from the fundamental principles of the Democratic Party.

Mr. BEEDY. Will the gentleman yield?

Mr. HUDSPETH. Yes. I yield to the gentleman from Maine or any other gentleman who desires to interrogate me.

Mr. BEEDY. How about the Wilson-Gorman bill and the Underwood bill? They took the tariff off of hides and wool—both Democratic measures. Does the gentleman from Texas indorse those two measures of his party and its platform?

Mr. HUDSPETH. I certainly do not. Let me state to my ever-watchful friend from Maine, ever on the alert to trap a Democrat—but your lasso missed by a full yard, the Democratic national platform just preceding the passage of the Wilson-Gorman bill did declare for free raw materials, I am sure, the first time, and the last time, in the long and useful career of the Democratic Party. And the Wilson-Gorman bill was such a flagrant discrimination against free raw materials in favor of manufactures that a Democratic President denounced its passage as party perfidy and dishonor, and refused to sign it, letting it become a law without his signature.

I was a great admirer of Senator Underwood and supported him for President. He was a great statesman, and, in my judgment, was not a free raw materialist. In fact, he at one time told me he was not. But the bill that bore his name was not wholly the product of his great mind and thought.

If I had been a Member of Congress at that time, on account of the Underwood bill leaving on the free list the products of my district, I would not have voted for that bill.

Now, I trust I have made myself clear and my position plain, to the gentleman from Maine. But I will go a little farther with my Maine brother and cite him a real Democratic platform that is better than any of his Republican platforms ever written since the foundation of that party up in Wisconsin in 1856.

The tariff plank in this platform declares for such equal and just duties on every product of the farm, ranch, and manufacture that every Democrat could and should support it, and even some fair-minded Republicans.

It is the platform tariff plank of the Democracy of Texas in 1896 drawn by three of the greatest Democrats my State has ever done herself proud to elevate to high office, viz, John H. Reagan, James S. Hogg, and Charles A. Culberson. I quote:

"We believe that the present tariff law, which lets into the country raw material free of duty and levies heavy duties on manufactured products, thus subjecting our agricultural and pastoral classes to competition with the world, while it enables the rich manufacturers, by means of combinations and trusts, to extort their own prices for the product from the people, violates the Federal Constitution as well as the fundamental principles of the Democratic Party."

The national convention that followed soon afterward copied this plank almost word for word.

Now, my friend from Maine, when my party can convince the American people that they will write such a tariff as this Texas plank calls for, or our declaration last year at Houston, we will lick you Republicans out of your boots from the ice-bound coast of Maine to the Everglades of Florida, and from the Statue of Liberty to the Golden Gate of San Francisco Bay.

Until we can gain back the confidence of the people and give the country such a tariff as will not discriminate against any section or any product, then, Mr. Chairman, I shall take the best for my people that is offered me, believing their happiness, prosperity, contentment, and welfare are paramount to any personal or political ambition that might cast its shadows around me or cross the pathway of my progress.

Those people out there, where they have fought the battles of civilization, have honored me for nearly 30 years. I may have to sacrifice the confidence of some of my party colleagues here, but I trust I shall never forfeit the confidence of the people that sent me to this body. I do not know how long they may permit me to serve them, or my health may warrant, but, Mr. Chairman, when I do surrender to them their commission, I have an abiding hope and belief it will not be sullied or stained by any spot or mark of infidelity or misplaced confidence. [Great applause on both sides.]

Mr. COLLIER rose.

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. COLLIER. I want to get the floor if I can. I want to talk on this bill on this boot-and-shoe amendment.

The CHAIRMAN. Is any further time desired on the amendment offered by the gentleman from Texas?

Mr. CONNERY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas.

The CHAIRMAN. Is the gentleman from Mississippi going to talk on the amendment offered by the gentleman from Texas?

Mr. COLLIER. No; I have nothing to say about the amendment offered by the gentleman from Texas.

The CHAIRMAN. It would seem well to dispose of this amendment, because other amendments may be offered.

Mr. GARRETT. If the Chair will permit, the Chair can not discriminate between men who are going to speak on one amendment or another. The Chair must divide the time, and if the gentleman from Mississippi is entitled to recognition he is entitled to it regardless of anybody's amendment.

Mr. COLLIER. Mr. Chairman, I can speak later on. If some one wants to address himself to this particular amendment, I will be glad to yield until a later time.

Mr. CONNERY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman wants to speak to the amendment?

Mr. CONNERY. In opposition to the amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. CONNERY. Mr. Chairman, ladies and gentlemen of the committee, I am not going to take up any more than five minutes. I have not objected to anybody getting as much time as he wanted and I am certainly not going to object. I am going to speak now with reference to boots and shoes and finished leather. I spoke rather forcibly to the Republican side of the House the other day, and to-day I am going to speak to the Democratic side of the House. [Applause.] I am going to say to you that I hope I will not have to go up to New England and admit that Democrats from the South voted against a duty on boots and shoes and finished leather after the great State of Massachusetts went Democratic in the last presidential campaign. For six years I have gone along with you; I have gone along with my party, and now in a crisis in the city of Lynn and in the city of Peabody I want you to stand by me in this fight to protect the workers and manufacturers of the sorely beset leather and shoe industries.

Mr. GARRETT. But it is not the gentleman's party that is now acting.

Mr. CONNERY. I know that. We will take this situation right on the facts. I will say to the gentleman there is going to be a close division on this amendment. I have heard conversations on my own side and I have heard conversations on the Republican side, and I have the impression in my mind that there are some gentlemen who are willing to put a tariff on hides regardless of what happens to boots and shoes.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. O'CONNOR of New York. The gentleman can be sure that there are a lot of men in the House who are going to vote against a tariff on either one, hides or shoes.

Mr. CONNERY. Well, the gentleman is entitled to vote as he thinks he should vote. I voted with you farmers on your farm bill. I try to be fair with you on your farm relief. I ask you to be fair with the workers in my district. [Applause.]

Mr. HUDSPETH. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. HUDSPETH. I would like to ask the gentleman who says he is going to vote against a tariff on hides and shoes whether he subscribed to the Raskob telegram which stood for a competitive tariff?

Mr. CONNERY. I do not know whether the gentleman from New York stood on that.

Mr. O'CONNOR of New York. I am glad to say I was one of those brave men who refused to subscribe to it.

Mr. CONNERY. As I told you once before, I am putting my cards on the table. I have listened to a great deal of talk about the farmer, but has it ever occurred to anybody in this House that there are workmen in the United States who are not farmers? And these workers are the buyers of the farmers' products. If you cripple the worker you cripple the farmer and take away his market.

You are not acting for the shoe manufacturers alone of New England when you are voting to put a tariff on shoes. You are voting for 2,000 people, for instance, in the city of Lynn who are walking the streets because a Czechoslovakian manufacturer is sending shoes free of duty into the United States. You are voting for the leather workers of Congressman COOPER's district, of my district, of Congressman SCHAFER's district, and of leather districts all over the country who are out of work because the industry can not compete with this leather that is coming in free.

You have heard them say that some shoe factories are leaving New England to go West. Why? Lynn and Peabody are the most thoroughly organized union-labor districts in the United States, and if they are leaving and going to Mr. RAINEY's State of Illinois or other Western and Southwestern States it is because out there they can work an open shop and do not have

to pay union wages. This does not speak well for those sections of the country that would try to get rid of union labor in order to exploit the workers at low wages.

I am just saying this to you, in conclusion, if you want to be fair to the farmer, if you want to be fair to the union worker in the United States as represented by organized labor and the American Federation of Labor, then come across and give us at least a 50-50 break. We do not say that this 20 per cent duty on shoes and 15 per cent on leather is going to give us protection, but it is going to put us within reach to combat foreign competition, and even if you only give us a fighting chance against foreign competition we can lick them with real shoes and real finished leather, because we have the best workers in the world in these industries and it is all American union labor. This is all we ask, a 50-50 break. Give us that, and you will protect two industries which employ the most intelligent, patriotic workers in the country, and these workers certainly are entitled to the best which this Congress can give them. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Texas [Mr. HUDSPETH].

Mr. Chairman, ladies and gentlemen of the committee, I desire to echo the sentiments and observations expressed by the distinguished gentleman from Massachusetts [Mr. CONNERY], because his plight is very much like my own. I come from a district where there are numerous shoe factories and I know from my own experience and observation that a great many employees of Brooklyn, when summer comes, are out of employment because of the difficulty that that industry now finds itself in.

The surest sign of distress in any industry may be found where you have an increase of importations and a decrease of exportations, and this is exactly the plight of the manufacturers of shoes in Lynn, St. Louis, and Brooklyn.

We have heard some figures stated here this afternoon. Let me give you some figures which I have gotten from the Department of Commerce indicative of the fact that our importations are greatly on the increase, particularly in women's shoes, and are going to be on a greater increase in men's and boys' shoes, and, on the other hand, our exportations are gradually decreasing. In 1922 the total number of imported shoes, men's and boys', women's and children's, was 199,738 pairs, and this number jumped in 1928 to 2,616,884 pairs.

This tells a very sad story, because for every pair of shoes imported you deprive the manufacturer here of a pair that he might have made and sold in this market.

On the other hand, when you come to the figures on the exportation of shoes you find that in 1923 we exported, of all classes of shoes, 7,341,997 pairs, whereas in 1928 the exportation dropped to 4,320,270 pairs.

Now, what is the reason for this? I have been to Czechoslovakia; I have been to Germany. I spent some time in these two countries a little more than a year and a half ago, and I took it upon myself to see some of the industrial conditions there. I have seen the shoe factories around Prague, the capital of Czechoslovakia, and I have seen the shoe factories around Stuttgart, in Germany. I have seen particularly this women's shoe factory in Czechoslovakia, and there you will find up-to-date, modern American machines made by the United Shoe Machinery Co. I had conversations with some of the owners of these plants in Czechoslovakia, in the vicinity of Prague, and these owners had been to America. One man in particular had spent two years in this country learning the methods of operation in American shoe factories. He went back to Prague, in Czechoslovakia, installed American machinery, and was conversant with American methods, and is now one of the greatest exporters of Czechoslovakian shoes into the United States.

This is the reason we are here to-day, begging you and asking you to give some relief to Brooklyn and to Lynn.

Mr. UNDERHILL. What does he pay his help?

Mr. CELLER. I am very glad the gentleman has asked that question. It is notorious that the labor cost in shoes in Czechoslovakia is just one-third the labor cost in the United States. Men in the shoe industry can not live under these conditions.

I was interested to hear the arguments of the distinguished gentleman from Iowa [Mr. RAMSEYER], for whom we all have the highest regard, and I accede to what he said if it is only a question of compensatory duties. If you are going to put a duty on hides, you must, of necessity, put a duty on shoes, but there is something more than compensatory rates required. We require on women's shoes particularly, and in ever-increasing amounts on men's and boys' shoes, absolute protection, and I do indeed hope that this committee will vote for at least the 20 per cent duty on shoes. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COLLIER. Mr. Chairman, I rise in opposition to all the amendments offered by the gentleman from New York—hides, leather, and shoes. I regret that I feel called upon at this time to take up a few minutes, as I have already spoken nearly an hour on general debate and a number of times during the 5-minute rule, and there are many who want to speak. But I feel that I should register my protest against the indefensible proposition of putting a tariff of 20 per cent on boots and shoes.

Such a tariff, in my opinion, can never be justified. Boots and shoes have been on the free list for over a generation, and after the Republican landslide which resulted in placing the late President Harding as Chief Executive of the Nation, when you on the other side of the aisle had a much larger majority than you now have and wrote into law, with the exception of this bill, the most indefensible and the highest tariff act in the history of the Republic, you never took boots and shoes from the free list.

With all your strength and power that you had then, with a majority of nearly three to one, you never dared to place a tax on boots and shoes. Why is it that now you are ready to do what you wanted to do in 1921, but did not dare to do? Why is it that now you are willing to add hundreds of millions of dollars to the shoe bill of the American people? Why is it that you are now willing to increase the dividends of perhaps the most prosperous manufacturing establishments in the United States at the expense of all the people? You are doing this under the guise of helping the farmer by placing a tariff of 10 per cent on hides.

You are asking us to put a tariff of 20 per cent on the products of the shoe manufacturers when they themselves have not asked us to do so, for they were willing to let well enough alone. I do them the justice to say that they have not come here asking for it.

Mr. STOBBS. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. STOBBS. If the gentleman is speaking of the shoe manufacturers in New England he is making an assertion that is not warranted by the facts.

Mr. COLLIER. I understand there is some distress in New England where all the protection has been for the last hundred years. You heard what the gentleman on your own side, Mr. RAMSEYER, who is a great political economist, said that the shoe production was going westward.

Mr. STOBBS. The gentleman from Iowa [Mr. RAMSEYER] was discussing the question of compensatory duty—he was not taking the protective duty into consideration.

Mr. COLLIER. My friends, we have 120,000,000 people in the United States. The gentleman from New York says, of course, this will not add 20 per cent to the entire cost of production, and the gentleman is right about that. But the gentleman from Illinois [Mr. HENRY T. RAINEY] has told you that it will add 50 cents to the cost of every pair of the cheaper shoes.

Here is what I object to. The gentleman from Iowa says it will not help the farmer, but will be a great detriment to him. You are willing for the benefit of a few manufacturers in a certain section to reach down your hands into the pockets of the American people and take an estimated sum of $98,000,000 to $125,000,000 to increase the profits of these shoe manufacturers.

I feel sorry for the people of New England. I want to see all sections of our country prosper. But I feel sorry for the hundred million people in the United States who will have to pay 50 cents a pair more for their shoes. I feel sorry for the three or four million unemployed who may, on account of this outrageous tax, go around seeking for work half barefooted. I feel sorry for the little children in this country who may be unable to secure the shoes that they need. But what kind of inducement are you offering to the farmers to induce them to accept this amendment? The gentleman from Iowa [Mr. RAMSEYER], a Republican member of the Ways and Means Committee who represents an agricultural district and has been perhaps as active as any Member of this House in trying to secure benefits in this bill for the farmer, has demonstrated before this House that a 10 per cent rate on hides is a mere pittance. He showed that such a rate was ridiculous and utterly inadequate to compensate even those farmers who have steers to sell for the increased price they will have to pay for the harness, the saddles, and other leather articles they will have to buy, and also for the increased costs of their boots and shoes.

One of my Republican friends in this House told me that he was of course a protectionist and he wanted to vote for every proper rate, but he could not support this amendment on hides, leather, and shoes, because if he did he would be voting to take

away from the farmers of this country 50 cents wherever this amendment would give them a dime.

Suppose a farmer has 10 corn-fed steers to sell and they bring him at the market $800. The packer is going to get the benefit of the tariff on those hides, but suppose he does not; suppose the farmer gets the full benefit of the tariff of 10 per cent on the value of the hide. If the hide weighs 50 pounds and he gets 15 cents a pound, he will get $7.50 for each hide. Does anyone believe he will get anything like that amount? But suppose he does get $7.50, then he will receive, if he should get the full benefit of the tariff, 75 cents on each hide. Now, what will he lose. In order to put this tariff of 10 per cent on hides they tell us it is necessary to put 12½ or 15 per cent on his harness and every other article that he buys that has leather in it. For every dollar he now pays for leather goods under this bill he will pay an additional 12½ or 15 per cent on account of the increased cost of leather due to the tariff. We have to bring in from other countries a great deal of leather because the hides from American cattle will make enough leather to last the country only a short time. Therefore the full amount of the duty on leather will be reflected in the cost of the farmer's harness, his saddle, his bridles, and every other article that is composed or partly composed of leather. This increased tariff on leather alone will be of considerably more detriment to the farmer than the tariff of 10 per cent on hides can possibly benefit him.

But that is only part of this transaction. How about the increased cost of his boots and shoes for himself and his children? Twenty per cent tariff on boots and shoes! Only about 3,000,000 pairs of foreign boots and shoes came into the United States in 1928. Over 340,000,000 pairs were made in the United States and therefore the tariff on boots and shoes will not affect the high-priced boots and shoes. It will not affect any shoes that cost over $10 a pair, but it will be added to the price of all the cheap shoes.

If the farmer has a large family, even though he might get a tax of $7.50 on the hides of 10 steers that brought him in $800, yet after paying 12½ or 15 per cent additional on his leather articles and 20 per cent additional on $50 or $60 worth of shoes for himself, his wife, and four or five children, how much left has he of the $7.50 tariff he is supposed to get for his hides? But the pity of it is that he will not get a penny more for his steers because of this tariff, because the man that buys the steer will get it. He will get no benefit at all unless the farmer should kill the steer himself and sell the hide separately, and when he sells the hide himself he will be lucky if he gets $2.50 for the hide, tariff and all. Does anyone believe that if a farmer should sell a steer weighing 800 pounds for $80 that the packer would give him $80 for the steer and then give him 60 or 70 cents additional as a tariff for the hide on the steer? The packer will weigh the steer and give the farmer so much for the entire weight, and the hide tariff would never be mentioned in the transaction, but the 10 per cent would go to the packer.

One word more. There is one shoe manufactory in St. Louis that in 17 years has created 38 millionaires. There are a dozen shoe manufactories in the country that have in the last 10 or 15 years not only laid by an immense surplus and paid out huge dividends to their stockholders but have put millions of dollars in stock dividends in order to escape paying the income tax. It is indefensible, with the present high price of shoes, to increase by law at the expense of all the American people the huge dividends that, with few exceptions, are now being made by these great shoe manufactories. [Applause.]

Mr. ANDREW. Mr. Chairman and gentlemen, the gentleman from Mississippi has just made a pathetic appeal based on the argument that if this duty of 20 per cent is levied on shoes the public will have to pay the bill. The gentleman from Mississippi as an economist ought to know that a duty on imported articles does not raise the price of any commodity unless that commodity, on the one hand, is produced under conditions of monopoly or combination or agreement, or unless there is not sufficient productive capacity in the country to meet the domestic demand without increase of price. Neither of these conditions is true in the case of the leather and shoe industries. There are nearly 500 independent tanneries in the United States, and there are more than a thousand independent shoe factories with no joint capital and no interlocking directors. These firms all compete with each other and they are too numerous ever to combine. Moreover, both the American tanneries and shoe factories have a production capacity, as has been said by gentlemen on the other side several times this afternoon, nearly 100 per cent greater than their current output. Since those two conditions are met in this industry, it is absurd to say that the levy of a tariff on leather and shoes will result in any material increase in the prices of these commodities. All that a duty will do will be to preserve the home market for home producers. It will protect American labor and the American standard of living from undue competition.

I want to emphasize what has been said this afternoon by my colleague from Massachusetts [Mr. CONNERY] about the situation in our State. The gentleman from Illinois [Mr. RAINEY] spoke about the importations of shoes as if they were of insignificant proportions, as if the shoes coming in from Czechoslovakia were made by hand and in relatively small amounts. The fact of the matter is that six years ago, in 1923, there came in from Czechoslovakia only 500 pairs of shoes, but last year there came in, of women's shoes from that country alone, 1,500,000 pairs, and during the first four months of the year there came in from Czechoslovakia another 1,500,000 pairs of shoes, as many as came in during the whole of the previous year. I know what the effect is in my part of the country. There are more than a hundred factories in my district alone, in Haverhill, in Newburyport, in Salem, in Danvers, and several other places. Many of them have had to shut down. I have seen workers compelled to move out of their houses into poorer quarters, and many of these people can not enjoy to-day the comforts and luxuries we believe essential to our American standard of living. It is because they have to compete with foreign factories using American machinery with all of the advantages of mass production, but employing labor that is paid only about one-quarter of what is paid here. We appeal for your help in maintaining our standards of living against such competition.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. COCHRAN of Missouri. Mr. Chairman, a tariff on hides, finished leather, and shoes is unwarranted and can not be defended. This is one change that will certainly be felt by the farmer. You advance this uncalled-for action by stating it will be beneficial to the farmer. Let us see. Statistics show a tariff on hides will mean $25,000,000, but you can not show this amount will revert to the man who raises the cattle; but it can be shown that if the proposed duty is agreed to, the shoe bill of the farmer for himself and members of his family alone will be increased $90,000,000. In other words, it is going to cost the farmer and his family $70,000,000 because of the change you here propose. It will cost the American people $200,000,000.

A few days ago you increased the tariff on cattle imported from Canada and Mexico. The gentleman from Iowa [Mr. RAMSEYER], in his speech—which was a mighty good speech—said that cattle brought in from our neighbors on the north and south were not sent direct to the packer but were turned out to fatten on the grass and were given feed which otherwise would go to waste. Therefore, when the committee increased the tariff on cattle, it assessed an additional burden on the importer, who in this case was the farmer and feeder. This imported cattle I would say was an asset of the farmer and feeder, and still you increased the duty, making them pay more money for the cattle which they sold at a profit after fattening them on feeds which would have gone to waste if they could not have secured the cattle.

I represent in part the city of St. Louis, and the St. Louis district is the largest shoe-manufacturing district in the world. Let it be known here that more manufacturers in this district are engaged in the making of women's and children's shoes than the number engaged in making men's and boys' shoes. They do not want a tariff on shoes, hides, or leather.

Only two small manufacturers in my city have asked for a tariff on shoes, and one of them asked for a tariff on shoes but insisted hides should remain on the free list.

A tariff on hides, leather, and shoes will in no way benefit the employees. It will not increase production, nor will it keep the less than 3,000,000 pairs of shoes now being imported out of this country.

From the employees' standpoint the trouble with the shoe industry is that improved methods, including the installation of new machinery, has enabled the manufacturer to increase his production at a lower cost until now you have a situation where you could get along with at least one-third of the employees who are engaged in the trade. I am informed by a most reliable source that if the factories in St. Louis alone were run full time, eight hours a day, 400,000,000 pairs of shoes could be made in six months. This is over 55,000,000 pairs more than were manufactured in the United States in 1928.

If I thought for one moment that a tariff on hides, leather, and shoes would benefit the shoe worker I would support this recommendation, because I have hundreds of men and women engaged in this work who reside in my district. Their salaries will not be increased, the production will not increase, but when they go to buy their shoes they will find this tariff reflected in the price they themselves must pay.

The Tariff Commission states there were manufactured in the United States in 1928, 344,350,724 pairs of boots and shoes, while the importations were men's and boy's, 390,816 pairs; women's and misses', 2,023,125 pairs; children's, 202,912 pairs.

Let me tell you what the shoe manufacturers, or at least part of them in the St. Louis district have done. When the new concrete roads were completed they constructed and established small factories in small towns in Missouri and Illinois within 100 miles of St. Louis. They sent a few skilled workers to these plants, where the latest shoe machinery was installed, and educated the young men and young women who lived on the farms how to make shoes. Thus they had no labor unions to deal with and they used the good roads to bring out the raw material with trucks, returning with the finished products, thus not only reducing production cost, but also the cost of transportation. As a result the shoe industry of the St. Louis district has prospered. Stock dividends have been declared, and they have paid a liberal interest on all outstanding obligations. The only one who has suffered has been the skilled shoe worker who has been replaced by the boys and girls from the farms who work for a salary far below that paid the union man and woman in the large cities.

I cited in my remarks Tuesday where the St. Louis Post-Dispatch in a special article March 10, 1929, showed 38 officers and heirs of officers of the International Shoe Co., of St. Louis, have become millionaires since the merger that formed the company 17 years ago. This company is certainly not in distress and asks no tariff on hides, leather, or shoes.

If this duty is levied the raw material will show an increase in cost and the shoe manufacturers will naturally increase the price of shoes. The shoe worker will not be benefited in any manner, shape, or form as it will not stop the importation. On the other hand, if the cost of shoes is advanced, then those who now buy five pairs of shoes a year will get along with four, those who buy four pair will get along with three, and so forth, and in the end it will reduce the sales, likewise the production; so instead of assisting the shoe workers you will be injuring them as well as the people whom you force to pay more for their shoes, and this includes the farmers, whom you say you are helping.

More factories will be opened in the country towns where cheap labor can be secured, and the great factories in the cities which have not run full time for years will be closed and the skilled shoe worker will be removed from the industry unless he or she elects to go to the country factory and accept employment at a wage below that paid the shoe worker in the city.

Cattle are sold on the hoof, and it will be the packer and tanner who will reap the benefit from this tariff—not the farmer, the shoe manufacturer, or the shoe worker. I hope the committee amendment will be defeated. [Applause.]

Mrs. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mrs. ROGERS. Mr. Chairman, yesterday I was in my home city of Lowell, Mass. We have had a very difficult time there for the past years, owing to lack of protection. Men and women came to me yesterday and said, and it was pathetic, "Are you going to get protection for us on our boots and shoes?" I said I believed so. Curiously enough, most of those men and women who asked me that question were Democrats, because a great majority of the working people in the shoe factories of my city of Lowell, and in Marlboro, Hudson, Methuen, and in my district generally are Democrats.

You can not say "no" to one of the big industries of the country. You can not refuse to give it protection. You protect other big industries. How can you gentlemen go back to your districts if you tell the people that labor that you will not give them protection?

You all know the leather industry has been writing its figures in the red for the past few years. I have here the figures, compiled to-day, from the Department of Commerce, showing the imports of leather in 1929 increased for the first three months over those of 1928. I have here the figures from the Department of Commerce showing that the exports of leather show a decrease in every single class in 1929 over 1928. I have here the figures from the Department of Commerce showing that the imports of boots and shoes in the first three months of 1929 are double those of the first three months of 1928.

I have here an advertisement that appeared in the Star newspaper yesterday in this city of Hahn's Shoe Store, advertising shoes from Czechoslovakia for $3.85. They probably sell now in Czechoslovakia for $1.75. They sell to our American people, to our American workers, for $3.85. To catch the trade, the advertisement reads:

How eagerly women are buying these lovable braided sport shoes and reveling in their economy.

It is not economy for our workers in the shoe shops. [Applause.]

The CHAIRMAN. The time of the gentlewoman from Massachuetts has expired.

Mr. UNDERHILL. Mr. Chairman, the gentleman from Mississippi [Mr. COLLIER] said that he was sorry for the people in New England. Let me remind him that a few years ago, when I visited his district, mostly under water, he made at that time a plea for protection for the people of Mississippi from a flood, which was destroying the product of his people. I came back here, took the floor, made a plea for Mississippi, and every member of the New England delegation, sorry for the people of Mississippi, voted millions of dollars for protection of its people. New England needs protection from an industrial flood. The great State of Mississippi and the great State of Massachusetts are interdependent. [Applause.] If you are sorry for New England, vote for New England.

The CHAIRMAN. The gentleman from Minnesota [Mr. CHRISTGAU] is recognized for two minutes.

Mr. CHRISTGAU. Mr. Chairman and members of the committee, when this question of tariff from the standpoint of the farmer was brought up, I made a study of it to see if the farmer might benefit from the tariff on hides. I drew a chart of the price level of hides from 1900 to 1929. On the same chart I drew lines showing the price level of steers on the Chicago market, and also the wholesale price of men's dress shoes for the same period. This was done to determine the relationship of the prices of these commodities over a period of years.

The chart shows a very close relationship between the prices of these three commodities from 1900 up to just before the war. The price level of steer hides, with the exception of minor fluctuations, was very close to that of steer prices and the wholesale price of men's dress shoes. All three showed a general upward trend for a period of about 19 years. In 1920 and 1921 the steer prices and the prices of hides dropped to below pre-war levels. Hides dropped far below the other two commodities. At no time since has the price reached the level of steer prices. It has remained far below that of shoes.

I am inserting in the RECORD the table from which the chart was made. It makes possible an analysis of a condition which can and should be corrected by tariff legislation.

TABLE 1.—*A comparison of the Chicago price for native steers and steer hides with the price of men's dress shoes, 1900–1929*

Year	Steer price per hundred-weight [1]	Steer hides, packers' price per hundred-weight [2]	Ratio of hide price to steer price	Men's dress shoes, wholesale price per pair [3]	Number of pairs of men's shoes 1 average (50-pound) steer hide would purchase
1900	$5.16	$11.31	2.2	$2.00	2.8
1901	5.25	11.89	2.3	2.00	3.0
1902	6.20	12.93	2.1	2.00	3.2
1903	4.80	11.32	2.4	2.00	2.8
1904	4.95	11.53	2.3	2.01	2.9
1905	5.05	13.75	2.7	2.20	3.1
1906	5.30	14.34	2.7	2.38	3.0
1907	5.80	13.45	2.3	2.50	2.7
1908	6.10	12.83	2.1	2.50	2.6
1909	6.35	15.80	2.5	2.60	3.0
1910	6.80	14.21	2.2	2.60	2.7
1911	6.40	13.93	2.2	2.62	2.7
1912	7.75	16.49	2.1	2.73	3.0
1913	8.25	17.37	2.1	2.87	3.0
1914	8.65	18.90	2.2	2.98	3.2
1915	8.40	21.72	2.6	3.10	3.5
1916	9.50	24.35	2.5	3.50	3.5
1917	11.60	30.63	2.6	3.07	5.0
1918	14.65	27.43	1.8	5.44	2.5
1919	15.50	36.28	2.3	7.25	2.5
1920	13.30	27.36	2.1	8.34	1.6
1921	8.20	12.62	1.5	6.40	1.0
1922	8.65	16.36	1.8	5.83	1.4
1923	9.40	14.75	1.6	6.00	1.2
1924	9.24	12.56	1.3	6.00	1.0
1925	10.16	14.87	1.4	6.00	1.2
1926	9.47	12.26	1.3	6.00	1.0
1927	11.36	18.19	1.6	6.08	1.5
1928	[4] 14.25	[5] 22.84	1.5	[6] 6.42	1.8
1929 (to May)	[7] 13.45	[7] 14.06	1.0	[6] 6.25	1.1

[1] U. S. Department of Agriculture Yearbook, Average Price of Native Steers.
[2] U. S. Department of Agriculture Yearbook, Average Price of Steer Hides, Packer Price.
[3] Bureau of Labor Statistics, 1929, Bulletin No. 473.
[4] U. S. Tariff Commission Report, Schedule No. 7, p. 1029.
[5] U. S. Tariff Commission Report, Schedule No. 15, p. 2382.
[6] Monthly Reports, Bureau of Labor Statistics, December, 1928.
[7] Bureau of Agricultural Economics, U. S. Department of Agriculture.

Starting with 1900, the price of steer hides on the Chicago market was $11.31 per hundred pounds. The wholesale price of men's dress shoes was $2, and the price of steers per hundred pounds was $5.15. These various prices raised slightly from 1900 to 1913. There were slight fluctuations from year to year, but the ratio between the price of hides and the wholesale price of men's dress shoes remained about the same all through this period. In 1913 the wholesale price of shoes, as seen by the table below, was $2.87. The price of hides at that time had also risen to $17.37 per hundred pounds. The price of steers was $8.25 per hundred pounds.

In 1920 the wholesale price of shoes reached the high mark of $8.34. The Chicago prices of steer hides reached a peak of $36.28. The high mark for hides was about three times the price in 1900, while the high mark for shoes was over four times the price in 1900.

By glancing at Table No. 1 it is seen that the per pound value of hides used to be more than twice that of the per pound value of live steers. Hides have declined to a point where the per pound value of the two is now about the same. The ratio, which used to be around 2.5:1, is now 1:1. Hides have become so low in price that it is hardly worth while removing the hide from the animal that dies on the farm. If there is a justification for a tariff on any commodity, certainly hides should be included in the protective list. The price level at the present time is lower than pre-war levels. Fluctuations from 1921, when the market broke, to 1929, at the present time, shows quite conclusively that importations increase just as soon as the price level raises, and subsequently the increased importations knock down the price.

Comparing the price of steer hides with the wholesale price of men's dress shoes, the manufactured product, Table No. 1, a splendid picture can be obtained of an example as to why we are here in a special farm-relief session. These two price levels illustrate the great disparity between what the farmer has to sell and what he has to buy. The shoes he buys are about three times as high as they were in 1900, while the hides which he sells are at practically the same level that they were 29 years ago.

In Table No. 1 is a column showing the number of pairs of shoes that the average steer hide would purchase from the years 1900 to 1929. It can be seen by the table that in 1901 a farmer could buy three pairs of men's dress shoes with a 50-pound hide. In 1917 he could buy five pairs, but at the present time this same steer hide would purchase only one and one-tenths pairs. The shoes which the farmer buys are from 150 to 217 per cent higher than pre-war, and hides, products of the farm, are below pre-war level. This disparity suggests tariff possibilities.

It has been argued that a tariff should not be placed on hides because the packer, and not the farmer, will benefit. Such reasoning is neither sound nor logical. An increase in the value of the hide on the animal increases the value of the animal just the same as an increase in the value of the beef underneath the hide does. The difference in the price of the hide at the present time and a year ago is about 9 cents a pound. This amounts to from $5 to $10 a head on the average cattle passing through the South St. Paul market at the present time. Hides and skins are the most important by-product of the meat industry. It is not generally realized how important an effect by-product values have on the prices of livestock. The Tariff Commission in their Tariff Information, Series No. 28, shows quite conclusively that the value of hides has a very material effect on the price of livestock. On page 8 of the report, we find:

A comparison of average yearly wholesale prices for a period of five years (1912 to 1916), (1) covering steer hides, (2) good to choice steers, (3) and good native steer carcass beef—all in the Chicago market—shows that while the price of dressed carcass beef in the Chicago market increased by 3.8 per cent the price paid for good native steers increased to 14.3 per cent. This increase in the price of steers was made possible almost entirely by the rise in price of hides, which was 48.9 per cent, and the increase in the price of tallow and other by-products.

The commission also made a comparison for a period of nine years—1908 to 1916—and this shows the same relationship.

In this instance—

The report states—

the price of dressed beef increased 31.4 per cent, the price of live cattle 60 per cent, and the price of hides 95 per cent.

For a 14-year period—1908 to 1921—the price relationship between hides and live steers follows almost exactly the same trend.

The price of dressed beef increased 122 per cent, the price of live cattle 192 per cent, and the price of hides 193 per cent. In the decline of the prices of hides from the high point in 1919 through 1921, the price of hides declined 65 per cent, the price of live cattle 50 per cent, and the price of carcass beef 30 per cent.

In this instance, it is seen that the price level of cattle was dragged down with a decline in the price of hides.

I have been informed on good authority that the buyers on the South St. Paul market are now using the low price of hides as an argument to force cattle prices down. The price trend shows that during this year, with a declining price level for hides, cattle prices were also declining.

An interesting conclusion in the findings of the commission in their Tariff Information, Series No. 28, is—

That a depression in the hide market, such as occurred in the year of 1921, is reflected in a reduction in the price level of cattle, or an increase in the selling price of dressed meat, or sometimes both.

In other words, low hide prices mean either lower prices to the farmer for his live cattle or higher prices to the consumer for meat, or both.

Conversely, an increase in the price of hides means a lowering of the selling price of dressed beef or an increase in the price paid the producer for the live animal, or both.

Here is one instance where both the producer and the consumer benefit materially from a tariff. The saving to the consumer on meat should more than offset the possible additional cost of shoes.

Inasmuch as we import from 35 to 40 per cent of the total cattle hides consumed in this country, a tariff on that commodity will increase the price. There was a tariff of 15 per cent on hides from 1897 to 1909. During the two years following the placing of a tariff on hides in 1897, the price increased from $9.13 per hundred pounds to $11.62 in 1899. When the tariff was taken off in 1909, the price on hides was $15.80. Following the removal of the tariff in that year, the price dropped to $13.93 in 1911. The price increased more than 2 cents when the tariff was put on and declined about 2 cents when the tariff was taken off. During the entire period that there was a tariff on hides, there were no such violent fluctuations in the prices as we have witnessed from 1921 up to the present time.

TABLE NO. 2.—*Imports of cattle hides*

Year	Total number of hides (dry and green)	Packer price per hundredweight (steer hides only)[1]	Total value
1919	9,914,667	$36.28	$125,684,764
1920	7,129,995	27.36	85,475,324
1921	3,760,665	12.62	23,259,352
1922	7,207,893	16.36	47,108,198
1923	6,701,158	14.75	46,569,533
1924	3,882,235	12.56	24,304,315
1925	3,817,380	14.87	26,695,181
1926	3,354,151	12.26	22,095,344
1927	5,143,060	18.19	41,361,307
1928	6,155,741	22.84	63,691,394

[1] U. S. Department of Agriculture Yearbook, Average Price of Steer Hides, Packer Price.

From Schedule 15, Tariff Commission Report, p. 2379. Figures on green hides are on wet-salted hides over 25 pounds.

TABLE 3.—*Imports of calf and kip skins from 1923 to 1928, inclusive*

Year	Kip skins		Calfskins		Total number	Total value
	Number	Value	Number	Value		
1923	1,392,000	$3,246,000	6,194,000	$8,123,000	7,586,000	$11,369,000
1924	600,000	1,660,000	5,880,000	8,898,000	6,480,000	10,558,000
1925	370,000	1,007,000	4,483,000	7,592,000	4,853,000	8,599,000
1926	439,000	1,167,000	7,150,000	10,423,000	7,589,000	11,590,000
1927	517,000	1,638,000	6,455,000	11,471,000	6,972,000	13,109,000
1928[1]	760,000	3,232,000	6,164,000	12,872,000	6,924,000	16,104,000

[1] 1928 preliminary report.

Source: Statistical Abstract, p. 521, 1928.

Table No. 2, giving the imports of cattle hides, indicates very clearly the moment that the price of hides rises, importations increase, and the price is driven down. The tariff could be used to a very good effect in stabilizing the violent price fluctuations in this farm commodity. It will be seen that by glancing at Table No. 2 in 1919 when the price of steer hides was $36.28 per hundredweight, there were imported over 9,000,000 hides with a value of over $125,000,000. These tremendous imports in 1919 and in 1920, without question, drove the price of cattle hides down to a point lower than they were at any time since 1904. Again, in 1928, when the price went up, imports increased by over 1,000,000 hides, driving the price down again to a low

level, at which place it is at the present time. The above table shows that invariably high prices resulted in tremendously increased importations, which in turn beat down the price, resulting in the violent hide-price fluctuation we have experienced since 1919.

The question before the House now is: Will the committee amendment providing for a tariff of 10 per cent ad valorem on hides, 15 to 30 per cent on leather, and 20 to 35 per cent on shoes improve the situation that I have presented? In my opinion, it would be a better policy to leave the present schedules on the free list than to aggravate the condition by the adoption of the committee amendment. The various farm organizations requested at least a 33⅓ per cent ad valorem duty on hides. If this amount could be granted and the duty becomes fully effective it would probably raise the price of hides about 5 cents a pound. If the price level of shoes remains the same and that of hides is increased by the full amount of the tariff, the level of hide prices would still be away below that of shoes, using pre-war levels as a basis.

The shoe manufacturers, in a brief submitted to the Ways and Means Committee, made a request for 25 per cent ad valorem duty on shoes. Four-fifths of the amount they requested was granted, although the price level of shoes is still away up. The farmers were granted less than one-third of what they requested in spite of the fact that the importations have increased tremendously and the price level is below prewar. It has been admitted that the shoe industry is in distress in certain sections, and also that the industry is overexpanded. The overexpansion undoubtedly resulted from profits which must have been obtained from the great disparity in prices that has been in existence since 1921.

In the arguments on the amendment thus far the 20 per cent on shoes was termed a compensatory rate for the tariff of 10 per cent on hides, the compensatory rate being an amount placed on the manufactured product resulting from an increased rate on the raw material. It is impossible to determine with accuracy compensatory rates because of fluctuating price levels.

The Tariff Commission specialists, however, worked out compensatory rates on the various classes of leather and shoes on the basis of a 10 per cent ad valorem duty on hides. The following table shows that the rates provided in the bill are far in excess of those determined by the commission as compensatory.

Basis of duty on hides and a compensatory duty on leather—assumed duty on cattle hides and calfskins, 10 per cent ad valorem

Leather classification	Compensatory duty recommended by Tariff Commission specialists	Duty proposed in the bill	Rate in excess of compensatory rate
	Per cent	*Per cent*	*Per cent*
Sole leather	7.07	12.5	5.43
Belting leather	3.25	12.5	9.25
Harness leather	5.25	12.6	7.25
Side upper leather	10.19	15.0	4.81
Bag, case, and strap leather	3.72	20.0	16.28
Calf and whole kip leather	6.65	15.0	8.35
Shoes valued at $2.50 made of cattle hides at 15 cents per pound	3.60	20.0	16.40
Shoes valued at $3.50 made of cattle hides at 15 cents per pound in soles, welting, etc., only	1.72	20.0	18.28

Data relative to the last two items—namely, shoes—obtained from tables on page 23 of Tariff Information, Series 28, published in 1922.

The table shows that the compensatory rate on shoes valued at $2.50 a pair made of cattle hides at 15 cents per pound is 3.6 per cent. The difference between that amount and 20 per cent in the bill is 16.4 per cent. This is the amount of protection which is given to shoes, the manufactured product, as against 10 per cent on hides, the raw material which the farmer produces. On shoes valued at $3.50 a pair, and having cattle hide soles and welting only, the compensatory rate is 1.72 per cent. The difference between that and the amount provided in the bill is 18.28 per cent, the amount of protection granted to that class of shoes.

Altogether too many sins have been committed against the farmer in the name of compensatory rates. This amendment is a striking example of tariff legislation that makes special farm-relief sessions of Congress essential. The advocates of a tariff on shoes admitted that competition from abroad in men's shoes is not serious at this time. They demand the tariff because of the possibility of having to face foreign competition within the next few years. It is difficult to justify a duty on that basis.

This hide, leather, and shoe tariff problem gives us an example of an existing Government policy of building up industry at the expense of agriculture. A comparison of imports of manufactured products with that of the raw material shows that agriculture is facing much the severest foreign competition. A table below shows the number and value of imports of boots and shoes. It will be seen that the total number of pairs of boots and shoes imported in 1928 amounted to 3,249,939. The total value for that year amounted to $9,273,406. The total value of hides and skins imported during that same year amounted to nearly $80,000,000, or to be exact $79,798,000. From the standpoint of foreign competition and also from the standpoint of price level the farmer certainly is justified in asking that the relationship between the raw material and the finished product be improved instead of aggravated, as would be the case if the pending amendment becomes a law. Not only is the low level of hide prices influencing the declining cattle market but constantly increased imports of live cattle and beef products have had their weight in shoving down the price to the farmer.

TABLE NO. 4—*Summary of the total value of various classes of hides and skins imported from 1923 to 1928, inclusive*

Year	Cattle	Kip	Calf	Total value
1923	$46,606,000	$3,246,000	$8,123,000	$57,975,000
1924	24,304,000	1,660,000	8,898,000	34,862,000
1925	26,695,000	1,007,000	7,592,000	35,294,000
1926	22,092,000	1,167,000	10,423,000	33,682,000
1927	41,360,000	1,638,000	11,471,000	54,469,000
1928	63,694,000	3,232,000	12,872,000	79,798,000

Statistical Abstract of United States, 1928, pp. 482, 520; 1928 figures from Department of Commerce.

TABLE NO. 5—*Combined values of cattle, hides and skins, and beef products imported, 1923–1928, inclusive*

Year	Live cattle [1]	Beef and beef products [2]	Hides and skins [3]	Total value
1923	$3,769,805	$2,760,282	$57,975,000	$64,505,087
1924	4,285,654	2,756,915	34,862,000	41,904,569
1925	4,654,934	3,089,749	35,294,000	43,038,683
1926	5,377,513	6,344,856	33,682,000	45,404,369
1927	15,210,164	11,561,447	54,469,000	81,240,611
1928	20,058,017	15,030,908	79,798,000	114,886,925

[1] Page 1028, Schedule 7, U. S. Tariff Commission Report, 1929.
[2] Pages 1030, 1031, 1047, Schedule 7, U. S. Tariff Commission Report, 1929.
[3] Page 2379, Schedule 15, U. S. Tariff Commission Report, 1929.

TABLE 6.—*Imports of boots and shoes*

Year	Men's and boys', number of pairs	Women's and misses', number of pairs	Children's, number of pairs	Slippers, number of pairs	Total
1919	53,117	8,159	439	178,338	240,053
1920	147,578	34,102	9,638	287,486	478,804
1921	73,190	28,281	89,060	291,004	481,535
1922	134,501	47,973	17,264	671,336	871,074
1923	231,068	126,581	69,626	625,494	1,052,769
1924	275,614	264,359	45,771	581,130	1,166,874
1925	310,660	272,930	231,675	180,371	995,636
1926	241,385	506,041	332,163	368,469	1,448,058
1927	306,473	980,327	188,987	464,243	1,940,030
1928	390,816	2,023,125	202,912	633,086	3,249,939

TABLE 7.—*Value of imports of boots and shoes*

	Men's and boys'	Women's and misses'	Children's	Slippers	Total
1919	$179,802	$45,829	$359	$119,530	$345,520
1920	655,345	122,598	11,748	222,570	1,012,261
1921	341,429	174,714	75,304	178,715	770,162
1922	489,515	254,001	10,187	338,213	1,091,916
1923	696,778	531,607	25,000	273,272	1,526,657
1924	1,070,977	888,194	34,554	301,826	2,295,551
1925	1,239,368	1,021,432	168,903	130,886	2,560,589
1926	1,150,487	1,913,627	322,237	316,187	3,702,538
1927	1,562,270	3,234,651	402,323	408,484	5,607,728
1928	1,991,563	5,843,254	419,331	1,019,258	9,273,406

From Tariff Commission Report, pp. 2428 and 2429.

The number of cattle imported in 1923 was 136,901. This was increased to 498,000 in 1928. There have also been tremendous increases in beef and beef products. The total number of pounds of beef and beef products imported in 1928 amounted to 125,717,540 pounds, with a value of $15,030,908. The imports of beef in the form of live cattle exceeds that imported

in the form of beef and beef products, indicating that here, too, the farmer is facing the severest competition.

The increased tariff on live cattle from 2 to 2½ cents a pound and from 3 to 6 cents a pound on the beef and beef products should be of material assistance. The constantly increasing size of the imports would have warranted even higher schedules on this product which affects about 3,000,000 farmers in the country. Adding up the combined values of live cattle imported, plus beef products and the value of hides, we have over $114,886,925 worth of cattle products shipped into this country to compete with the American farmer. Over half of this amount comes in in the form of hides at a low price level.

The tariff measure, as a whole, carries some substantial increases on agricultural products, but I can not see that the measure will assist in improving the economic condition of the farmer. It props up the price level of the things the farmer has to buy to such an extent as to offset the apparent increases that are given to the products that he has to sell. Nothing was said during the campaign about a general wide-sweeping revision of the tariff. There is no general demand for it now, and very few people expected Congress to take such action during this special farm-relief session.

Following the campaign in 1928, the country expected that tariff increases would be granted to agriculture to offset the disparity that now exists between industry and agriculture. This general tariff bill, I believe, will aggravate rather than improve the present agricultural depression. The most apparent objectionable features of the bill are the building schedules. I feel, however, that the sum total of the other increases that the measure gives to the many things that are needed on the farm and in the home will prove even a greater burden than the building schedules.

The portion of President Hoover's speech of acceptance, which more than anything else caused the people of the Northwest, especially the home makers, to place confidence in his leadership, was the statement that—

> The working out of agricultural relief constitutes the most important obligation of the next administration. The object of our policies is to establish for our farmers an income equal to those of other occupations; for the farmer's wife the same comforts in her home as women in other groups; for the farm boys and girls the same opportunities in life as other boys and girls. So far as my own abilities may be of service, I dedicate them to help secure prosperity and contentment in that industry where I and my forefathers were born and nearly all my family still obtain their livelihood.

In view of that statement, it is impossible to believe that the President would give his approval to the tariff measure in its present form. The Hoover objective of giving the farmer's wife comforts in her home equal to those enjoyed by other groups can not be attained by tariff increases on everything she wears, from the sole of her shoes to the parasol she carries over her head; nor by increasing the rates on everything that goes into her home, from the cement in the basement to the shingles on the roof and the bricks in the chimney, say nothing about the furniture, rugs, dishes, and practically everything that goes to make home life more attractive. The increases that have been granted the products of the Northwest will not materially increase the farmer's income.

Few will argue that the 2-cent increase on butter will raise the price of that article to the extent of the tariff as long as we leave open to enter free of duty the vegetable oils out of which butter substitutes are manufactured. The 2-cent increase is desirable to prevent undue price declines caused by possible sporadic imports, but can not be placed in the column of increases designed to bring the farmers of the Northwest greater returns.

The additional increase on flaxseed is probably the outstanding crop of the Northwest out of which an increased price should be expected to result from the increased duty. This may be nullified in part by failure to give a substantial increase on linseed oil.

It should be remembered that the numerous industrial increases, or, rather, the increases on manufactured products, bring benefits to only a few. The tariff on shoes, at its best, will affect employment and bring increased returns to something over 200,000 people, while that on hides would mean an increased income to something between two and three millions of farmers.

In the farm-relief discussion so far a great deal has been said to the effect that increased prices to the farmer will result in increased production, which in turn would hurt rather than help the farmer. That reasoning is not sound. The causes of increased production and price declines in various farm enterprises are due to the fact that under our present system the prices of certain farm products get out of line with the prices of the general farm price level. The farmer is forced by economic circumstances to shift his production to those crops and those products which will bring the greatest return. That shifting from one commodity to another results in periodic surplus, price declines, and price depressions. The general increase in the price level, however, will not result in an overproduction until the level reaches that point where the farmer will obtain a greater income for his hours of labor than he can receive for the same amount of time spent in working in some other industries.

Our aim should be, with the help of the tariff, to so adjust the price levels of various commodities to avoid the necessity of the farmers shifting from one line of production to another. The present tariff law greatly aggravates that situation.

If the increase of 2 cents per pound in the tariff on butter is fully effective in keeping out foreign butter and the dairy industry maintained on its present remunerative basis while no provision is made for making tariff effective on crops now produced in surplus, it will be a short time until enough farmers are driven from other lines of production into the dairy business, so that dairying also will go on a surplus-production basis and prices be forced down to the world level. Already the production of dairy products is within 1 per cent of a surplus, and there is a continued increase in efficiency of production per cow. This increase, according to Dr. O. E. Baker, of the United States Department of Agriculture, amounted to about 12 per cent in the 5-year period from 1920 to 1925.

If this tariff bill in its present form becomes a law it is sure to have a detrimental effect on the prices of agricultural products. When the American home maker goes into the market to purchase the necessities for her home and family she is limited to a certain amount which she may spend. It is her task to see that this amount purchases as much as possible of the needed and desired articles for the home. The American standard of living requires that certain customs be conformed with and certain styles met in clothing and furnishings for the home. If the prices of these articles are raised, as they will be under the House bill, there will not be a sufficient sum remaining after these purchases are made to secure food products of the same quality the family has customarily consumed. Instead of buying butter, lard, and other products of the American farm she is going to be driven into purchasing butter and lard substitutes and other things than can be purchased for less money. This is going to defeat any purpose which the bill may have had to make the market more profitable for farm products.

It may bring about another condition which will be very unwholesome; that is, it will create resentment on the part of the consuming public against the farmers of the country, who will be charged with the entire blame for the increase in the cost of living, inasmuch as the tariff revision was made under the guise of farm relief. This will make much more difficult passing of legislation in the future that is designed to better agricultural conditions.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SCHAFER] is recognized for two minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman, this amendment should be adopted if we are to protect great American industries and their employees from unfair competition of cheaply produced foreign products.

I wish to call particular attention to the condition in the calf leather tanning industry. The representatives of this industry have presented facts to the Committee on Ways and Means, showing that if there is any industry that needs tariff protection, it is that industry. Our distinguished colleague from Ohio [Mr. COOPER] a few days ago brought to the attention of the House the deplorable condition of the calf leather tanning industry resulting from the excessive importation of cheaply produced foreign leathers. My time is so limited that I will be unable to properly discuss this serious problem and I urge the adoption of the pending amendment so that the great tanneries will not be forced to close their doors and throw thousands of American workmen out of employment. [Applause.]

The CHAIRMAN. The gentleman from Ohio [Mr. COOPER] is recognized for three minutes.

Mr. COOPER of Ohio. Mr. Chairman and members of the committee, we will take a vote on this question in a few minutes, and I wanted to say one word before we come to a vote.

From the year 1846 to the year 1897 there was a 20 per cent ad valorem duty on finished calf leather. In 1909 the duty was reduced to 15 per cent. In the tariff of 1913 all duty was removed, and it has been on the free list ever since.

The gentleman from Iowa speaks of a compensatory duty on leather. That does not mean anything to us. What I want is protection for the leather industry. [Applause.] What is wrong with a Republican Congress giving protective duties to

industries that are suffering from foreign competition? Our platform provides that we shall give to our American industries that are suffering from foreign competition adequate protection. No industry in America can stand up under foreign competition such as we have to contend with from Europe to-day.

The average hourly wage of the tannery worker in the United States is 54 cents per hour, while that of Europe is only 20 cents per hour.

Some of the skilled workers in our American tanneries receive as much as $1.20 an hour.

Wages in France, Germany, Belgium, and Holland run as low as 15 cents per hour. In Czechoslovakia the workers in the tanneries receive a wage as low as 11 cents per hour.

No American tannery can compete with such competition and maintain American standard of wages and living conditions. [Applause.]

The Republican Party is pledged to the protection of American industry against foreign competition. We do not want the American workmen dragged down to low wages and conditions of European workers.

It can be shown, as a result of heavy imports of all leather, that a large number of workers had been thrown out of employment in 1928 because of the tremendous imports of foreign leather, and the figures for 1929 show an even worse situation.

Mr. Chairman, I sincerely hope and trust that when we vote on the pending amendments the Republican majority of this Congress will show to the American people that we intend to carry out our campaign and platform pledges and give to these basic American industries a tariff which will at least in some degree protect them from the ruinous inflow of foreign-made products which are flooding the American market at this time. [Applause.]

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for three minutes.

Mr. SLOAN. Mr. Chairman and members of the committee, the best representative of agriculture from the State of Iowa is not permitted to sit in this Chamber. That is Charles F. Curtiss, of the State Agricultural College of Iowa, for 30 years the best authority I know of in America; and in response to my telegram he sends me this:

> It is of vital importance that there be an adequate duty on imported hides. Hides declined 4½ cents a pound during last September, due mainly to excessive importation. One big leather concern marked off $1,000,000 loss in inventory during that month. This and other losses were immediately passed on to the cattle industry by reduction in prices of stock. A year ago hides were selling at 25 cents a pound. To-day they are worth about half that.

Charles W. Pugsley, a product of Iowa also, president of the State Agricultural College of South Dakota, in a telegram just received, says:

> Telegram just received. Firmly believe that increased duty on hides will work to the advantage of all livestock and dairy farmers, and urge that Congress make such increase as one means of substantial help in farm legislation.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield there?

Mr. SLOAN. I will answer the gentleman's challenge and talk about farm legislation.

Mr. RAMSEYER. Will the gentleman yield?

Mr. CLARKE of New York. I ask that the gentleman from Nebraska be protected here. He is entitled to three minutes. [Laughter.]

Mr. SLOAN. I thank the gentleman from New York, but I am a protectionist and think I can protect myself. The gentleman from Iowa, opposing the duty on hides, made propositions I did not expect to hear him express. [Applause.] He did not have protection in mind when he referred to hides. He charges farmers with making bargains with Yankees. A man who does not confer with his neighbors, with his distant colleagues, and the people of his district is wasting his time and the time of the people of his district. Legislation is made up of compromises more than stubbornness.

I want to tell you that the shoe men, mostly in the East, did drive a bad bargain 20 years ago, and it is all right. If you drive a good bargain against us, it is all right; we are good sports, but 20 years is long enough to keep it up.

Mr. COLE. Will the gentleman yield?

Mr. SLOAN. Yes.

Mr. COLE. Is it not true that Dean Curtis wanted a tariff on hides of about 35 per cent and not 10 per cent?

Mr. SLOAN. Dean Curtis, like myself, desired a much higher duty than the one we are getting. We should have at least the Dingley rates restored—15 for hides and 25 for shoes, instead of 10 and 20. I favored 5 cents a pound. But we are getting a start; we are getting something that we ought to take now and which the Senate, taking it as a basis, can obtain a greater measure of justice for the farmer and can remedy that error by which the Treasury of the United States since 1909 lost $400,000,000. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. TREADWAY. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. TREADWAY. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Texas because it is making too great a demand for protection on the raw product. In my opinion, we ought to start at as low a rate of protection as possible and work the protective theory on through to the finished shoe. There is more than a compensatory duty to be considered here. We have got to compare costs here and abroad. That is both the competitive and the protective doctrine, and I am appealing to you men to consider in the last moments of this debate what are the conditions existing in the shoe and leather industry. I am glad my friend from Lynn, Mr. CONNERY, one of the best fellows on the Democratic side, is a little bit disposed to object to the method of procedure of his colleagues. We would be glad to welcome him on this side, in fact, he received the Republican nomination last year and we are glad of it. Let us see what the situation is as a comparison between wages and importations. The importations in the first four months of this year ran 2,237,000 pairs of women's shoes from Czechoslovakia, at a value of $6,450,000, an increase of 110 per cent in quantity and 96 per cent in value. If we do not need a protective tariff under those conditions what is a protective tariff good for anyway? [Applause.] Then, too, in the matter of leather, the imports of leather amounted to $35,000,000 plus in 1927; in 1928 they amounted to $42,000,000 plus; an increase of $7,000,000 in one year.

Our friend said something about the shoe factories in the East not keeping pace with the times. They are the best producers of shoes in the world. The New England manufacturer of shoes has stood before the world as the leading manufacturer for many years and will always continue to do so if you will give him a sufficient tariff to meet the competition. That is all we are asking. We are asking that our people be employed in our shoe factories under proper conditions and at good wages and that these shoes shall not be imported from Czechoslovakia in competition with them.

The gentleman from Illinois, my good friend Mr. RAINEY, said there is a rate of 30 per cent in this bill. He was simply trying to hoodwink you, because there is no such rate in the bill on shoe leather. It is not there and he can not find it there. Then, again, he said these shoes were of choice quality and that they were not the regular shoes sold in the markets of the cities. If that is so, what does this advertisement mean, which my associate, Mrs. ROGERS, referred to, that shoes are being advertised all over the United States to-day imported from Czechoslovakia at $3.86 a pair? Are they the fancy high-grade shoes which he was trying to persuade you were being exclusively used by the rich folks of this country? Not at all. They are the working man's and working woman's shoes, and if Czechoslovakia can make these shoes and send them into our markets at $3.86, they can take every dollar's worth of the American product of the shoe factories away from the wage earners of this country. That is being demonstrated every day. Then, they say again that it is only women's shoes that are being imported. However, they are learning over there this matter of mass production, which we must have in this country. They have learned it in the matter of women's shoes, and that is where these billions of pairs are coming in from now. That is the reason these shoes are coming in; the people have learned mass production in women's shoes and they can do it in no time whatever in men's shoes. Therefore the idea of only one duty is not feasible at all. Conditions have so materially changed since the tariff bill of six years ago was written that the argument which was made for duty-free hides and shoes is not applicable to-day.

We did not have that competition six years ago. We must protect the American wage earner against this foreign competition in the markets to-day. [Applause.]

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Texas [Mr. HUDSPETH].

The question was taken; and on a division (demanded by Mr. HUDSPETH) there were—ayes 58, noes 190.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. RAMSEYER and Mr. HENRY T. RAINEY) there were—ayes 196, noes 90.

So the amendment was agreed to.

Mr. ALDRICH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Rhode Island offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ALDRICH: Page 226, strike out lines 5 to 10 inclusive.

Mr. ALDRICH. Mr. Chairman, this is a perfecting amendment taking leather off the free list.

The amendment was agreed to.

Mr. ALDRICH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Rhode Island offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ALDRICH: Page 226, strike out lines 11 and 12.

The amendment was agreed to.

Mr. ALDRICH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Rhode Island offers a committee amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ALDRICH: Page 223, strike out lines 19 to 20 inclusive.

The amendment was agreed to.

Mr. ALDRICH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Rhode Island offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ALDRICH: Page 225, strike out line 4 after the paragraph number and all of line 5 and insert "Hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles."

The amendment was agreed to.

Mr. ALDRICH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Rhode Island offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ALDRICH: Page 234, line 20, after "monumental" insert "paving."

The amendment was agreed to.

Mr. ALDRICH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Rhode Island offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ALDRICH: Page 235, line 8, strike out "Tar and pitch of wood" and insert "Locust or carob beans and pods and seeds thereof."

Mr. SEGER. Mr. Chairman, I would like to ask a question for information. What does this amendment mean?

Mr. ALDRICH. At the present time locust and carob seeds are on the dutiable list. They are the raw materials for tragasol, which is contained in paragraph 1688 of the free list. This puts them on the free list and tar and pitch go off the free list and on to the dutiable list.

Mr. SEGER. I thank the gentleman.

The amendment was agreed to.

Mr. ALDRICH. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Rhode Island offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. ALDRICH: Page 5, line 25, strike out the period and insert a semicolon and the following: "Bleached shellac, 20 per cent ad valorem."

Mr. LAGUARDIA. This is for an increased duty on shellac. I rise in opposition to the committee amendment. May I ask the gentleman from Rhode Island the reason for this increase at this time. Shellac was originally on the free list in the bill reported by the committee.

Mr. ALDRICH. Yes. Ever since 1848 shellac has been on the dutiable list and until recently, when a court decision placed it on the free list. It was the intention of Congress to keep it on the dutiable list, and it has been considered dutiable under a paragraph covering manufactured articles not specifically provided for at a duty of 20 per cent. We now place it by name in a new paragraph at the same rate of duty, 20 per cent.

Mr. LAGUARDIA. What was it in the bill originally reported by the committee?

Mr. ALDRICH. It was on the free list. It now goes under a duty of 20 per cent, as it always has been heretofore.

Mr. LAGUARDIA. It was on the free list, and it belongs on the free list. If the gentlemen will only refer to their own hearings, they will find that on the facts and figures submitted the judgment of the committee as reported in the bill—that is, shellac on the free list—is correct. There is no justification for placing bleached shellac on the dutiable list with a rate of 20 per cent ad valorem.

The amount of imported bleached shellac is practically negligible as compared with the volume of domestic production. During the last five years (the figures for 1928 end with December 7) the following quantities were imported into this country:

	Pounds
1924	111,348
1925	49,477
1926	15,787
1927	8,100
1928	57,231

In that same period, domestic production of bleached shellac amounted approximately to between fifteen and sixteen million pounds per annum; in other words, the total imports in this period came to less than one-third of 1 per cent of the domestic production—a negligible quantity indeed. On the other hand, the production of bleached shellac abroad, as well as the quantity available for export is strictly limited and can not be increased for various reasons, so that there is absolutely no danger of the total amount of bleached shellac imported into this country ever being materially increased, and in our opinion, under the most favorable circumstances, it could never amount to more than 1 per cent of the total domestic production per annum. Surely, the domestic industry can not claim actual or putative injury in any shape or form through the importation of this trivial total.

Nor does the importation of this bleached shellac in any way hurt or prejudicially affect the market for the domestic producer, since the imported article is both quoted and sold at the identical price with the domestic article and there has never been nor is there now any desire or design in any way to undersell the domestic product.

As a matter of fact, the importations come into purely nominal market competition with the domestic product, since most of the imports are distributed to and through domestic bleachers, that is, concerns which are themselves manufacturers of bleached shellac. They buy the imported material from us from time to time only when their own production capacity is fully taken up and they depend upon an imported article merely to fill additional business which otherwise would have to be refused. Furthermore, the quality of the imported bleached shellac is of a grade different from and not produced in this country.

A duty, however small, would serve to shut out importations of this material to the detriment of domestic consuming industries which require it to piece out and to supplement domestic production, and would fail to bring any corresponding benefit whatever to the domestic bleacher of shellac. Shellac itself is a product which, in its natural or raw state, is obtainable only from the Far East. The moment the raw shellac is sought to be treated and converted into a higher grade, the change involves a manufacturing process which is not undertaken or carried on in this country. In other words—excluding the bleaching of shellac—practically every manufacturing process employed for bettering or refining raw shellac into a higher grade is a process carried on by foreign manufacturers. Most of these refined or better grades of shellac sell at approximately or higher prices than bleached shellac. Since there is no duty of any kind assessed on any grade of shellac imported into this country, there is no discernible or valid reason why a discrimination should now be sought to be effected with regard to bleached shellac.

I believe that a comparison of the figures of importations for 1928 of 57,231 pounds as compared with 15,000,000 pounds produced in this country is sufficient to show that this last-minute increase to 20 per cent is not based on facts or figures or on the merits of the case. I protest against this increase and also I protest that the parties interested were given no notice of the contemplated action by the committee. The rate is unjust, the method is unfair, and in all fairness the House should vote down the committee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island.

The question was taken, and the amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 126, line 7, strike out the period and in lieu thereof insert a semicolon and the following: "broomcorn, rice straw, and rice fiber, $10 per ton of 2,000 pounds." Page 218, strike out line 3.

The CHAIRMAN. The question is on the amendments.

Mr. HASTINGS. What does that apply to?

Mr. HAWLEY. It takes broomcorn, rice straw, and fiber off the free list and provides for a duty of $10 a ton.

Mr. HASTINGS. What is the other amendment?

Mr. HAWLEY. The second one takes it off the free list.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 122, line 2, strike out "56" and insert in lieu thereof "63."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. TREADWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 107, line 2, strike out "2.10" and insert in lieu thereof "2.50." In the same line, strike out "2.75" and insert "3.15."

Mr. ESTEP. Mr. Chairman, I rise in opposition to the committee amendment. Mr. Chairman and members of the committee, I regret that as a member of the Ways and Means Committee it is necessary for me to take a position in opposition to the committee amendment. But in this particular instance as chairman of the subcommittee and having studied this matter and investigated it from every angle with the thought that I wanted to do justice to everybody contending for one proposition or the other, I can not agree that this amendment is fair to anybody except to some one I have not been able to discover who, apparently, has pleaded for the raise for political reasons.

This committee was not called upon to study any part of the tobacco schedule except section 601. That study was in connection with the wrapper tobacco used on 5-cent cigars. After a thorough study of the situation, weighing both sides and their testimony as they appeared before the committee in public hearings, the subcommittee concluded that $2.10 a pound on Sumatra wrapper unstemmed was sufficient to protect the industry in this country except where that industry had become economically unsound as a business proposition.

I have here to-day telegrams from Wisconsin, Ohio, and Pennsylvania, sustaining our conclusion.

In the acts of 1909 and 1913 the Congress gave a duty of $1.85 a pound on Sumatra wrapper. In the emergency act of 1921 the Congress gave a duty of $2.50, and when it came to frame the Fordney-McCumber bill Congress went back to a rate of $2.10 which is the rate that the subcommittee working under the present Ways and Means Committee recommended be incorporated in the bill.

I made a speech on this subject on the 17th of May, indicating the reasons why the subcommittee at this time proposes a rate of $2.10. The first proposition I advanced was this: That if this Congress has met in the interest of farm legislation and in the interest of the agriculturists, then the rate of $2.10 is the rate that will give more relief to the dirt farmer than the rate proposed by the Ways and Means Committee in this amendment.

I say this for the reason that there are 40,000 farmers raising filler tobacco in the States of Pennsylvania, Wisconsin, Ohio, Indiana, and some in New York. They have consistently said, "If you raise the duty on Sumatra tobacco to the extent that it prevents the manufacturer of the 5-cent cigar from paying us our price for our tobacco, we can not make any money." This amendment does not help anybody. The wrapper of the shade-grown tobacco in Connecticut is used on the 15 and 20 cent cigars, and only 3 per cent of the sun-grown tobacco raised on 20,000 acres goes into wrapper tobacco. I have here a 3-page telegram sent by the independent raisers of sun-grown tobacco in the Connecticut Valley protesting against this raise of duty on Sumatra.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ESTEP. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ESTEP. Yes.

Mr. COOPER of Wisconsin. Was the subcommittee of which the gentleman was the chairman unanimous in its opposition to this proposed committee amendment?

Mr. ESTEP. So far as I know, because it is written into the original bill, and the report upon it is of record in this Congress, that the subcommittee was unanimous.

Mr. COOPER of Wisconsin. Will the gentleman permit me to say just one word? I have received a telegram from the representatives of the Wisconsin Tobacco Growers Cooperative. They raise about 40,000,000 pounds of tobacco in that State. They are urgently in favor of the position taken now by the gentleman who is addressing the House.

Mr. ESTEP. Here is a great number of telegrams from Wisconsin, from the Tobacco Growers' Association and the Tobacco Packers' Association, who are working in unison in connection with the growth of binder and filler tobacco in that State, asking for a decrease in the rate of duty.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. ESTEP. For a short question.

Mr. GREEN. I wonder if the gentleman from Pennsylvania or if the gentleman from Wisconsin received any telegrams from the unorganized agencies which really need this tariff?

Mr. ESTEP. If the gentleman is speaking about Florida, I will say yes.

Mr. GREEN. But not from the growers.

Mr. ESTEP. Wait until I get through with my answer. The day before yesterday I listened to a delegation from the gentleman's State. I asked them to submit to me a brief wherein they could show that the black shank disease had been eradicated from the growth of tobacco, and in the whole brief, signed by the four members of that delegation, they would not make that statement over their signatures. There is not a word in the brief about it.

Mr. GREEN. But they did tell the gentleman that they would go out of business if they did not get this protection.

Mr. ESTEP. The tariff was never a vehicle to keep people in business when it had been demonstrated that it was an economically unsound business venture.

In Lancaster County, in the State of Pennsylvania, there are 35,000 acres of tobacco raised, that is filler tobacco that can be used only in 5-cent cigars. Every Member of this Congress since we have had these recent hearings has had the privilege of appearing before the Committee on Ways and Means in order to suggest some change that might be of interest to his constituents or to himself. I had a long-distance telephone call last Saturday from the gentleman from Pennsylvania [Mr. GRIEST], who is vitally interested in this schedule, and he asked me to oppose any increase in the rate on Sumatra tobacco. He is ill and he could not get here to appear before the committee and use his political acumen and ability to solicit votes in order that his interests might be protected. I am undertaking now to express his opinion and thoughts in regard to this matter.

In the State of Wisconsin 40,000,000 pounds of tobacco are raised and in the State of Florida 4,000,000 pounds are raised. Then they ask us to protect Florida to the detriment of 40,000,000 pounds of tobacco grown in the State of Wisconsin, to the 50,000,000 pounds of tobacco grown in the State of Pennsylvania, and to the 40,000,000 pounds of tobacco grown in the State of Ohio, and the other tobacco grown in the States of Indiana and New York.

Mr. GREEN. But that is filler tobacco and ours is wrapper.

Mr. ESTEP. Yes; the gentleman's State raises wrapper tobacco, but your wrapper tobacco will ask for $4.62 a pound protection, and I say that when you have to ask for a rate like that it has become economically an unsound business proposition, and the tariff is not a thing that ought to be called upon to help that situation. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. HASTINGS. Mr. Chairman, may we have the proposed amendment read again?

The CHAIRMAN. Without objection, the Clerk will again report the committee amendment.

There was no objection, and the Clerk again reported the committee amendment.

Mr. FORT rose.

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. FORT. I rise in support of the amendment of the committee.

The CHAIRMAN. The gentleman from New Jersey is recognized for five minutes.

Mr. FORT. Mr. Chairman and members of the committee, I have had, with respect to this rate of duty, the most peculiar experience probably that any Member of the House can have. A manufacturer in my district, who is one of the largest users of wrapper tobacco in America, has asked me to assist in securing a higher duty upon the raw material which he uses.

Having considered this matter for the last month and taken into account the interests of various people in this question I find the reason for this peculiar situation is this: There are a number of 5-cent cigar manufacturers in America who have built up a very large business on a blend and flavor based on the Florida wrapper. There is another group of cigar manufacturers who have built up an equally large business based on the imported wrapper. Those who are accustomed to using the domestic wrapper fear, and justly fear, the total destruction of the domestic wrapper industry in Florida if that industry be not protected by an increased duty. So the manufacturers who consume that wrapper tobacco, knowing that as a matter of sound business they can not raise their own price of 5 cents to the consumer, are willing to stand an increase in the cost of their raw material rather than see the Florida industry put completely out of business.

You will agree with me that this is a unique situation. They do not want Florida wrappers to disappear from the market, and they are willing to pay a higher price to get them in order to make it sure that they will not so disappear.

Now the chairman of the subcommittee [Mr. ESTEP], who has just taken his seat, made a powerful speech here a few days ago on the danger which threaten the Florida wrapper industry from the black shank disease. This speech was supported by a report made by Doctor Tisdale, head of the Florida Experiment Station, and was dated in 1926, and was based on the conditions of 1926. I have a telegram here from Doctor Tisdale, dated last week, in which he states that "We have developed several strains of highly resistant type tobacco in regard to black shank, some of which shows resistance of over 90 per cent and producing very satisfactory strain." That telegram is from the identical authority that was cited to the House by the gentleman from Pennsylvania [Mr. ESTEP] as the reason why this black shank disease was going to ruin the tobacco industry in Florida, the high authority of Doctor Tisdale. He now says he has developed a 90 per cent resistant strain.

Mr. ESTEP. Mr. Chairman, will the gentleman yield there?

Mr. FORT. Certainly.

Mr. ESTEP. Is it not a fact that we have 2,800 acres of land in Florida raising the black shank tobacco, and 1,000 acres are controlled by the so-called American Sumatra Tobacco Co., on the stock market in New York? And is that an American industry?

Mr. FORT. I do not know, but it makes no difference to the manufacturers of my district who are using Florida wrapper, if it is a fact. The question is, Are you going to ruin the domestic manufacturer who is using a domestic raw material in order to help the domestic manufacturer who is using an imported raw material? That is the question before the House.

Mr. ESTEP. Will the gentleman yield for another question?

Mr. FORT. Yes.

Mr. ESTEP. Are you now advocating the thought that was advocated at the Republican National Convention, that what we were to do in this Congress would be in the interest of farm relief, not in the interest of the manufacturer?

Mr. FORT. It is the first time in the course of this debate that I have spoken for any manufacturing interest. I am so speaking to-day, but any of the gentlemen from Florida, or Connecticut, or Georgia will state, I am sure, that I am speaking also in the interest of agriculture. [Applause.]

Mr. CRISP. Mr. Chairman, I will detain the committee for only a moment. I have a genuine affection for the gentleman from Pennsylvania [Mr. ESTEP], but I was a little surprised that after a majority of 15 Republican Members of the committee had agreed to offer this amendment, granting this slight increase, he would oppose it. But, of course, he gave you the reason why he is appearing before you, that it was in the interest of a sick colleague who is not here and not able to represent himself. I have a high regard for that sick colleague. But that sick colleague did not hear anything of the debate, and knows nothing about the merits of this case.

I have argued this case heretofore, and I am not going to do it again to-day; but I appeal to the common-sense judgment of the House that when a majority of the 15 Republican members of the Committee on Ways and Means themselves come in and recommend an increase, does not that carry with it the presumption that the increase should be granted?

Now, I have not made any trade, nor have I appeared before my 15 Republican colleagues since this bill was reported, and none of this tobacco is grown in my district. But I understand that some gentlemen from Connecticut and some of my dear friend's colleagues from Pennsylvania have appeared before the committee and urged that this increase be granted; and evidently they presented such strong reasons that the majority of the 15 Republican members of the Committee on Ways and Means recommended the increase.

Mr. ESTEP. The gentleman from Georgia knows that I have a very high regard for him.

Mr. CRISP. Yes. It is reciprocal.

Mr. ESTEP. Did the gentleman vote for all the committee amendments that have been presented here by the Committee on Ways and Means, which, of course, carry upon their face the evidence that more than a majority of the 15 Members supported those amendments in order to make them committee amendments?

Mr. CRISP. I think I can truthfully say I have voted for every one of them except as to boots and shoes. I voted for the duty on hides. In the Ways and Means Committee meeting this morning I called the attention of my colleagues to the fact that they were apparently trying to meet most of the objections I had urged against this bill in my speech and I said if they would go on and change the Customs Court provision and knock out the flexible tariff clause I thought I could vote for the bill. [Applause.]

Now, gentlemen, I am not going to take any more time. I want to say to my good friend from Wisconsin [Mr. COOPER] that I would not for any reason desire to injure his tobacco growers or the tobacco growers in other States. This does not injure them. Their tobacco is a filler tobacco while this is wrapper tobacco. The gentleman from New Jersey [Mr. FORT] gave you the real reason why the production of wrapper tobacco in the United States should be maintained, and a gentleman from York, Pa., a Mr. Brooks, in testifying before the committee, said that he himself represented industries that manufactured 600,000,000 5-cent cigars and that they used these wrappers—Florida and Georgia wrappers; that he has built up a trade in them; that there had never been any objection or protest about this tobacco being suitable; and that if he lost the opportunity of getting those wrappers his business would be destroyed.

Let me say to my friends, who are interested in the filler tobacco, that when we had up several years ago the internal-revenue taxes, the internal revenue was reduced on the 5-cent cigar so as to try to make a market for this filler tobacco among the producers of 5-cent cigars. If the growers of filler tobacco can not get a fair price it would be much fairer to still further reduce the internal-revenue tax on 5-cent cigars and let them live and to keep this increased tariff and let these farmers in Florida, Georgia, and the Connecticut Valley, who are raising this wrapper tobacco, also live.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. JOHNSON of Texas. Will the adoption of this amendment help us get more 5-cent cigars?

Mr. CRISP. Well, I think it will insure a continuation of the 5-cent cigar.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HENRY T. RAINEY. Mr. Chairman and gentlemen of the committee, the tobacco industry in this country needs protection if there is any industry needing protection. Here at our doors and on the island of Cuba they produce a tobacco which is believed to be by smokers all over the world the best in the world, and in the island of Cuba they make cigars which are believed to be by smokers everywhere in this country and in the world the very best cigars. They have been advertising Cuban tobacco and Cuban cigars ever since Columbus discovered America and they do not need any further advertising. In 1866 we passed a law which made possible the development of the tobacco industry in the United States in all of its branches, and the industry commenced to develop until now we have 750,000 distributors, we have 92,000 factories, we have 110,000 workers in our cigar factories, and we have scores of thousands of farmers producing tobacco in the United States. We import at the present time 27,000,000 pounds of tobacco from the island of Cuba. Recently the American Tobacco Co., within the last six months, has gone to Cuba, and they are making Cuban cigars there now by machines. They roll the cigar, they put the band on the cigar, and they pack it in boxes without ever touching the cigar with the human hand. That is the cheap way of manufacturing cigars and it seems to be a popular way, because smokers do not seem to know the difference.

They have appropriated down there the old Cuban cigar brands, and those cigars come to us now from the island of Cuba in boxes with the Garcia labels on them and all of those

old labels, but down at the bottom, if you read the small print, you will find they are always manufactured by subsidiaries of the American Tobacco Co. All of this development in the United States has been made possible by the fact that in 1866 we passed a real protection law against the island of Cuba, a law which requires them to send here their packages of cigars in quantities of not less than 3,000, because no individual smoker in the United States wants to buy 3,000 cigars; he could not smoke that many cigars before nine-tenths of them were completely dried out and ruined.

Now, this trifling increase in duties will not have any effect at all. The growers of this tobacco, you have already found, do not want it; the smokers do not want it, and it may destroy the present excellent 5-cent cigar. If you made it $10 per pound it would not do any good or if you struck it out entirely it would not do any good.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HENRY T. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two additional minutes. Is there objection?

Mr. CLARKE of New York. Mr. Chairman, I shall have to object, because I do not understand the gentleman's position. If he can not make his position clear what is the use of continuing his argument?

The CHAIRMAN. Is there objection?

Mr. CLARKE of New York. If the gentleman will make his position clear, I shall not object; but, up to now, he has not made clear his position.

Mr. HENRY T. RAINEY. I will make my position so clear that the gentleman can understand it. If the gentleman will get his bill and turn to page 431, he will find way down there at the bottom of the page, in clause 4, "Section 2804 of the Revised Statutes, as amended, is repealed."

Now, the gentleman knows what I am talking about. That is the section which prevents the importation of cigars into the United States in quantities less than 3,000. With this section repealed they can be brought in here by any means in any quantity. You could bring 10 cigars here if you wanted to by parcel post or in any other way. This entirely repeals the only protection the cigar industry has in this country. Now, the gentleman understands what I am talking about.

Mr. CLARKE of New York. I understand perfectly, but the gentleman was an awful long time getting there.

Mr. HENRY T. RAINEY. I know, but I got there to the gentleman's entire satisfaction, and explained it exactly, and the gentleman is going to vote for this bill, and under the rule we can not reach this section of the bill by any amendment.

You could not pass this section through the House, destroying the cigar industry of the country. You would not vote for it. You would not dare to do that, with 670,000 distributors affected by it and with the cigar industry ruined in this country, as it will be ruined.

With this section out they can bring in by parcel post and deliver cigars on the most remote rural routes. They can deliver two Cuban cigars that now sell for 20 cents each for 25 cents for the two. Now, the gentleman understands what I am talking about. [Applause.] The American Cigar Co. and the American Chamber of Commerce in Cuba, which speaks for this corporation, have won. For many years they have been trying to repeal this law but have always failed. During the last Congress they could not get a rule for the consideration of this proposition. Not a word of evidence appears in the tariff hearings on this subject. But 15 Republican members of this committee in a secret hearing have slipped into this bill this clause and under the rule the Republican side has adopted it. We are powerless to even move to strike it out.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TREADWAY. Mr. Chairman, I realize the committee is ready to vote, and I am ready to vote also, but I can not do so without including in those interested as tobacco growers the tobacco growers of the Connecticut Valley and the eastern section of my particular district in Massachusetts.

The gentleman from Pennsylvania has very ably stated his side of the case and has referred to numerous telegrams he has received. We have received the same type of telegrams from those who want the chance to grow tobacco in the State of Connecticut and along the Connecticut Valley. That is where our interest centers.

Here is the type of messages we are receiving from them:

Approximately 5,000 to 6,000 farmers in the Connecticut Valley grow stock tobacco, of which 2,000 are in Massachusetts, employing 10,000 to 15,000 laborers during growing season and about the same number during packing the crop. This does not include the shade-grown tobacco.

I have several other telegrams of the same type that I will not take the time of the committee to read.

The gentleman has also referred to the fact that the Pennsylvania people are against this increase of duty.

I find here in the hearings and in the CONGRESSIONAL RECORD a statement made by the York County growers and resolutions brought forward by the York County growers of tobacco.

Mr. ESTEP. May I ask the gentleman one question? Is there any tobacco grown in York County, and is it not a fact that the Member from Pennsylvania that argued for the increase is representing a cigar-manufacturing district?

Mr. TREADWAY. I understand the gentleman who spoke in behalf of the growers of tobacco in Pennsylvania is himself a grower of tobacco, and that is the same situation as the one in Massachusetts and in Connecticut. This appeal comes to us from the growers of tobacco.

We have been endeavoring to help the farmer all through here, but there is an effort in this case to prevent farm assistance. I am speaking for a large group of tobacco raisers in the Connecticut Valley. They appeared before our committee and testified and at the same time submitted interesting briefs. I would like to include as a part of my remarks the resolutions passed by the New England Tobacco Growers' Association at their annual meeting in Hartford, together with various other statements; but I realize the committee is anxious to vote, and I am, too. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

The question is on the committee amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. ESTEP) there were—ayes 128, nays 28.

So the amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, we have a few more short amendments, and I hope that no one will leave the Chamber until they are concluded.

Mr. WATSON. Mr. Chairman, I offer two committee amendments, and I ask that they be considered en bloc.

The CHAIRMAN. The gentleman from Pennsylvania offers two amendments and asks unanimous consent that they may be considered en bloc. Is there objection?

Mr. LAGUARDIA. Let us hear the amendments first.

The Clerk read as follows:

Page 37, line 8, strike out "50" and insert "10 cents per dozen pieces and 45."

Page 37, line 11, strike out "55" and insert "10 cents per dozen pieces and 50."

The CHAIRMAN. Is there objection to considering the amendments en bloc?

Mr. ARENTZ. I reserve the right to object. Ladies and gentlemen of the committee, the amendments offered by the committee during the past three days were only accepted as amendments after the most careful consideration by the Republican members of the Ways and Means Committee. They gave the utmost attention to the changes that were requested and they accepted them as amended. The amendments numbered and printed in this folder which I hold in my hand are among those that have been offered during the last three days. I have asked for two amendments, one from the free list and one on page 30, lines 19 and 20. I am told that because so many telegrams have been received from the Kraft Paper Manufacturers, principally from Puget Sound and the Columbia River, that the amendments agreed upon by this committee will not be offered to-night. Mr. HAWLEY and Mr. HADLEY, Representatives, respectively, from these Northwest districts, have just advised me that they will not offer the sodium sulphate amendments to-night. That is, after they had agreed to accept and offer them as amendments, on the basis of facts presented, simply because telegrams have been flooding the committee requesting that no action be taken they are taking this straddle position.

I will tell you the reason for these amendments. On the free list salt cake and sodium sulphate is mentioned. Sodium sulphate is either found in nature or made from common salt and sulphuric acid.

In the case of salt cake hydrochloric acid is present, making it impossible to use it in the manufacture of paper, but Germany during the past two or three years has been sending in acid-free sodium sulphate under the trade name of salt cake, and escaping the imposition of a $2 tariff. I have taken the matter up with the Tariff Commission, and its experts have advised us, or

those interested in having a protective duty on sodium sulphate, that it would be impossible to prohibit it without the elimination of salt cake.

Now, these manufacturers use 90 cents worth of sodium sulphate for each ton of wood pulp. Sodium sulphate comes in at from $15 to $20 a ton. As soon as Germany got into the market she pressed the price down to $11.50 and drove American producers out of competition. But when Germany has the market in her hands she will say that she wants $20 or $30 a ton. All the manufacturers of Kraft paper have their foreign pulp come into the United States from Canada without 1 cent of duty.

Is not this a wonderfully nice proposition to offer this House? Free wood pulp from Canada and the paper manufactured from this pulp protected by a duty on imports up to $100 per ton.

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. HADLEY. I thought I stated to the gentleman just before he took the floor that the committee had not agreed not to present this amendment, but that the matter is pending in the committee, under further consideration, awaiting further consideration to-morrow.

Mr. ARENTZ. I asked the chairman a moment ago, after I had spoken to you, if he was going to offer anything more and he said not to-night, and he said that they had received so many telegrams about this matter that they did not think they would consider it.

Mr. HAWLEY. Oh, the gentleman misunderstood me.

Mr. ARENTZ. If I did, I would like to be corrected, but after the committee has gone over the matter and said that they would offer the amendment, then just because telegrams comes from a bunch of monopolists, sending telegrams costing many dollars, to say that you would fail to offer that amendment and protect the man on the desert who can produce this stuff at a price equal to that offered by Germany, would be very strange indeed. The operators in the sodium sulphate industry whom I am trying to protect are not telegraphing you Mr. HAWLEY and will not because they look to the merits of their case being all that is necessary to give them the protection needed.

I repeat, the experts of the Tariff Commission prepared these amendments after a thorough study of the case, the Ways and Means Committee requested this information and only after due study agreed upon the amendments as printed. I sincerely hope and trust that these amendments will be offered as you did the others and not permit yourselves to be swerved from your duty to the American producers of sodium sulphate by the selfish interests who control the Kraft paper production of our country, whom you have so well taken care of in this tariff bill from the crude pulp to the finished paper.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from Pennsylvania.

The amendments were agreed to.

Mr. WATSON. Mr. Chairman, I offer the following amendments, which I send to the desk.

The Clerk read as follows:

Amendments offered by Mr. WATSON: Page 40, line 16, after "going," insert "(except bottles and jars provided for in subparagraph (e)"; Page 41, strike out lines 7 to 10, inclusive, and insert "(g) Bottles and jars, wholly or in chief value of glass, of the character used or designed to be used as containers of perfume, talcum powder, toilet water, or other toilet preparations, and bottles, vials, and jars, wholly or in chief value of glass, fitted with or designed for use with ground-glass stoppers, 70 per cent ad valorem."

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. WATSON. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WATSON: Page 43, line 25, strike out "16" and insert in lieu thereof "12½."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATSON. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WATSON: Page 43, line 19, strike out all after the colon down to and including line 22 and insert: "*Provided*, That all the above glass, and cylinder, crown, and sheet glass, when ground wholly or in part, and rolled or sheet glass not less than one-fourth of 1 inch in thickness when obscured in any manner, shall be subject to the same rate of duty as plate glass."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. WATSON. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WATSON: Page 49, line 12, after "monumental" insert "paving."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LAGUARDIA. Mr. Chairman, is not this going to increase the cost of all paving in cities?

Mr. WATSON. I think not. This will take care of the granite. Very little paving is done by granite stones at the present time, but there is a good deal coming in from Canada.

Mr. LAGUARDIA. I understand.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATSON. Mr. Chairman, I offer the following committee amendments, which I send to the desk.

The Clerk read as follows:

Committee amendments offered by Mr. WATSON: Page 49, line 13, after the last comma insert "pointed, pitched, lined"; page 49, line 15, after the word "dressed," insert "pointed, pitched, lined."

Mr. LAGUARDIA. Mr. Chairman, I call attention to the fact that that will make prohibitory the importation of black granite from Norway and Sweden. We do not produce any black granite of the same quality and used for the same purpose in this country. I am informed that this black granite is imported from Norway and Sweden in large blocks, simply squared so as to be able to be stored in ships. There is no other work upon it at all, and we have no substitute for the black granite for the people who want that particular kind of stone. What you are doing here is making the importation of that particular stone, which they do not produce in this country, prohibitory.

Mr. WATSON. Mr. Chairman, most of the granite which comes in is prepared and a great deal of it can go into buildings without any operation whatever. It is to protect the workmen of our country that these amendments are offered. That is the purpose of putting in those three words.

Mr. LAGUARDIA. And this is not intended for blocks that are to be used for monumental purposes?

Mr. WATSON. No; they are on the free list.

Mr. LAGUARDIA. Then black granite that is squared and brought in for monumental purposes is not included in this amendment?

Mr. WATSON. No; that is on the free list on page 234.

Mr. LAGUARDIA. The item I refer to was the paragraph 1775, on the free list.

Mr. HAWLEY. Mr. Chairman, let us have a vote.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I offer another committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. HAWLEY: Page 431, after line 4, insert the following:

"SECTION 646. TENURE AND RETIREMENT OF JUDGES OF THE UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

"The judges of the United States Court of Customs and Patent Appeals shall hold office during good behavior. For the purposes of section 260 of the Judicial Code, as amended (relating to the resignation and retirement of judges of courts of the United States) any service heretofore rendered by any present or former judge of such court, including service rendered prior to March 2, 1929, shall be considered as having been rendered under an appointment to hold office during good behavior.

Mr. HAWLEY. The Supreme Court has rendered a decision on this question, and the effect of the decision of the Supreme Court is that this is a legislative tribunal and not a constitutional court, and its Members do not have a term of office unless it was specially provided. This proposes to give them the usual tenure of office during good behavior, and providing retirement for the present and preceding judges of that court.

Mr. CRISP. Does that in anywise affect the customs court in New York?

Mr. HAWLEY. No; it has nothing to do with it. It applies to the court here in Washington.

Mr. CHINDBLOM. When this court was established it was believed to be a constitutional court that it was not necessary to fix the term. I understand there was a contrary opinion in the other body.

Mr. LAGUARDIA. It was my understanding that it was a legislative board.

Mr. CHINDBLOM. I am referring back to a previous Congress years ago. I think it was in 1909 when this court was created in the tariff act. I think it was in 1909, or perhaps it was in 1913.

Mr. LAGUARDIA. This does not change the status of the court or the status given to it by the Supreme Court?

Mr. CHINDBLOM. No.

Mr. HASTINGS. It fixes the term of office?

Mr. HAWLEY. Yes.

Mr. GARNER. Mr. Chairman, let us have the amendment read again.

The CHAIRMAN. Without objection, the amendment will be read again.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 2667, had come to no resolution thereon.

ADDRESS OF HON. JOHN C. BOX

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing an address delivered by my colleague, Mr. Box, of Texas, over the radio on Saturday night.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by his colleague [Mr. Box] over the radio. Is there objection?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, under leave granted me by the House, I extend my remarks by printing in the RECORD the address delivered by my colleague Hon. JOHN C. Box, in the city of Washington, on the evening of May 25, 1929, in the National Radio Forum, carried over the nation-wide hook up of the Columbia Broadcasting Co., and very extensively reproduced by the press.

The address is as follows:

THE NATIONAL-ORIGINS PROVISION

The question whether the national-origins provisions of the immigration act shall go into effect as now provided by the law as written in 1924, involves essentially the question of the restriction of immigration, or the opposite of that policy.

The sum of the quotas on the national-origins basis is nearly 10 per cent less than all the quotas based on the census of 1890. But that is only a minor element in the impairment of the immigration act of 1924 involved in the proposed suspension or repeal of the national-origins quota provisions.

Friends of restriction should search for the record of the Members of Congress who are usually opposed to restriction, and check that by their position on this question. Such a comparison will make it plain that practically all opponents of restriction are now opposing the national-origins provisions.

I do not know a single opponent of the restriction of immigration, whether an individual Member of Congress or a person or group outside of Congress, who is now supporting the national-origins provisions.

On the other hand, every patriotic organization, or other group within the range of my knowledge, which has worked for restriction, now favors the national-origins quota basis. I now give you the names of some of those organizations which have actively supported the restriction of immigration. Every one of them insists upon the retention of the national-origins provisions as the heart of our quota system.

American Legion; American War Mothers; American Gold Star Mothers; Commonwealth Club, of San Francisco; Disabled American Veterans of the World War; Daughters of the Union Veterans of the Civil War, 1861–1865; Junior Order United American Mechanics; Key Men of America; Ladies of the Grand Army of the Republic; National Society, Daughters of the American Revolution; National Society, Daughters of the Revolution; National Auxiliary, United Spanish War Veterans; National Society, Sons of the American Revolution; the National Women's Relief Corps; New York Chapter, United Daughters of the Confederacy; Naval and Military Order of the Spanish-American War; Sons of Confederacy (eastern division)); and about 70 other similar American patriotic societies, whose names are before me.

The organizations, whose names I have called, compose less than 25 per cent of the list now before me, which lack of time compels me to abbreviate. These organizations represent many millions of high-class intelligent people of every part of the United States. There are millions of others, organized and unorganized, who hold the same view. They are in earnest about keeping America American and are not playing politics with alien and hyphenated blocs. I know of not one such organization which has declared itself against the national-origins quota provisions.

What conclusion can a citizenship which believes in restriction draw when it sees all opponents of restriction arrayed against the national-origins provisions and all organization which work for restriction actively supporting them? The active opponents and supporters of the national-origins provisions have given the question special attention. Are both ignorant of what is involved? To believe that requires a peculiar mental make-up, or a situation making it politically or otherwise convenient to entertain such a view.

I do not deny the existence of a small minority of men who have voted for restriction, who now, because of peculiar personal leanings or local connections, or the necessities of politics, will vote to change the act of 1924, by abandoning the permanent quota basis therein provided and using in its stead the 1890 basis named as a temporary one in that act. But that small minority would amount to nothing in numbers or political influence but for their alliance with the opponents of restriction.

A well-financed, widespread propaganda has been put out to mislead the country into believing that the national-origins quota basis is an afterthought added at some later time for some reason foreign to the spirit and intent of the act of 1924. These provisions were written into the 1924 act and have been the permanent keystone of the arch of the quota system since it was constructed by Congress and approved by the President. The 1890 census basis was to be temporary, with the express provision that such temporary basis should be replaced with the national origins as the permanent basis. The present quota basis provided in the act of 1924 has not yet been applied. Twice it has been postponed. An effort is being made to postpone it again. The law ought to be repealed or enforced. To suspend it again without reason is cowardly.

Few, if any, students of the problem and supporters of restriction failed to recognize in 1924 the weakness of a quota basis computed entirely on the foreign-born population at a time 34 years then past and necessarily destined to become more and more remote. When the drafting of the 1924 quota law began many were willing to use the 1890 census basis in preference to any other then suggested; but it was accepted for a time only because nothing more satisfactory had been offered. Many of the ablest students of the problem in the Senate and House, and outside of Congress, saw the weakness of an enumeration of foreign born in 1890, or at any other time as a quota basis. This caused the national-origins provisions to be written by the Senate, after which it was agreed to by the House and Senate conferees, and still later, by the House, and afterwards approved by the President.

The number of foreign born in the country in 1890 is a foreign-born basis. The national-origins computation of every element of the whole population of America, native and foreign born, as built from the first settlement of the Colonies, the Territories, and other parts of the Republic, running through the census of 1790 and every census to date, is an American basis.

The oft-repeated statement that the national-origins quotas are based solely on the apparent origin of names shown in the census of 1790, or exclusively on the whole of that census, is not true. The history of the settlement of the Colonies, of the settlement of Florida, of Texas, of the Louisiana Territory, and the parts of Mexico which went into American States, the census of 1790, and each succeeding census, with all our immigration figures and the emigration records of Europe, went into the computation made by experts who had made a thorough study of census and population elements and had long practical experience in dealing with them. Each of the quota countries was then given a quota in approximate proportion to its contribution to our composite population.

Of course they did not compute the racial composition of individuals. The law forbids that. To tell the public that is involved is to quibble and equivocate.

An effort has been made to impress the country that the national-origins provisions furnish only an unworkable approximation of a quota basis, and that the 1890 census is an exact and certain basis for the calculation of quotas made in 1924. Between 1890 and 1924, a period of 34 years, the international boundaries of Europe had been conglomerated, and rearranged on a vast scale. All that the census of 1890 showed as to the country of the immigrant's origin was that he was born in Russia, or in Germany, or France, or Austria, or one of

the many oft-changing Balkan States, as the immigrant understood and stated to the enumerator in 1890.

Even if the statements of the foreign born, many of whom neither understood nor spoke English, made to the temporarily employed thousands of untrained enumerators, as to where the immigrants were born, had been correct, some of the countries to which quotas were given in 1924, did not exist as nations in 1890, and were of course not listed in that census. Some European States had been created out of the territory of other countries. In some instances territory had been taken from two or three nations to form new States. In many instances regions had been taken from one country, listed in the census of 1890, and given to another during that period of 34 years. Indeed, the map of Europe had been remade. The best-equipped diplomats had to have maps and expert geographers at hand to advise them of the inclusion or exclusion of some regions, and the location of boundaries, existing and proposed. Those who figured the quotas on the basis of the 1890 census had to estimate whether the Austria, or Poland, or Czechoslovakia, or Yugoslavia, or Turkey, or France, or Italy, or Russia, or Germany, of 1924 included the locality in which the immigrant was born some time prior to 1890. These experts have frankly advised the Senate committee that this general condition prevailed, when they somewhat hurriedly computed the quotas based on the census of the foreign born in 1890. The time between the approval of the 1924 act and the date on which it took full effect was so short that even the temporary quotas provided for in that act had to be promptly approximated. Of course, the result was a general and rough approximation necessarily made in a hurry from insufficient data, for immediate though temporary use. The country had a right to have such an approximation made in the emergency then existing. It has the right and is in duty bound to make the more logical, fair, and permanent approximation provided in the national-origins clauses, in the more careful and deliberate manner provided by the law, time permitting it.

The 1890 census basis gives to Germany 31 per cent of the total quotas, though Germany has contributed at most about 17 per cent of the racial stock of the United States.

The same failure of the 1890 census to furnish a fair basis developed in varying but substantial degrees in apportioning quotas to other countries.

A word of the testimony of the experts who compared these bases and computed the national-origins quotas will be worth hearing. Doctor Hill, Assistant Director of the Census, whose character, ability, and expert knowledge all admit, was chairman of the quota board. From his testimony I quote:

"Doctor HILL. I will say, however, that no proposition has been brought to my attention that seems to be fairer than this one of national origin."

Again, Doctor Hill was asked the question, "Does the distribution of quotas based on the 1890 census reflect with any accuracy the proportion of nationalities that now exists in the United States?"

"Doctor HILL. No, indeed; it does not."

The claim that the national-origins basis is not workable is answered by the fact that the quota board has worked out, the Secretaries have certified, and the President has proclaimed the national-origins quotas. The three Secretaries in their final report said, " * * * We, in the discharge of the duty laid upon us by the statute, have made the determination provided in subdivision c7 of section No. 11 of the act, and jointly submit herewith the quotas of each nationality, determined as provided in subdivision (b) of the act."

The claim that the national-origins-quota basis discriminates against any nation or people is based on the assumption that it is unfair to give quotas to immigrant-furnishing countries in proportion to their respective contributions to the whole white stock of the Nation. No European countries or people acquired vested rights in the temporary quotas provided in the 1924 act, even if those quotas had been presented as prospectively permanent. The absurdity of an assumption of such vested rights is heightened when it is remembered that those temporary quotas were presented as temporary, accompanied by provisions for their early abandonment for the permanent national-origins basis.

The census of 1890 is now clearly 40 years old and is becoming more remote. The national-origins basis moves forward with each decade and continues with each census, ever approximately proportionate to the white American population.

Whatever the Goverment does to restrict immigration always has been, and will be, viciously assailed by those who would have the people of Europe and other countries treated as possessing vested rights to places and opportunity in America. No sooner had the national-origins basis been adopted than certain race-conscious blocs with strong foreign affinities, who have almost invariably opposed every restrictive act, began to move among other groups to organize an attack upon that quota basis. If the 1890 census had been the permanent quota basis provided in the act of 1924, it would have been as violently attacked as has the national-origins basis and would have been weaker under attack. Indeed, that census had been assailed from the first while it was under consideration as a permanent basis. The country already has ample notice that it will be attacked if it should be made the permanent quota basis. If the groups who will give body and strength to the attack now being made had not assailed national origins they would have directed their forces against some other fundamental part of the law.

The minority of friends of the 1924 immigration act, who are joining the opponents of all restriction in an effort to suspend or repeal the national-origins provisions of the law, are committing a great folly. If the attack on the heart of the 1924 act should succeed, the anti-restrictionists will attack some other key position, and the patriotic people who are determined to maintain the numerical restriction included in the quota system will probably launch a well-organized, nation-wide drive to reduce all quotas as low as one-half of what they are now and to restrict immigration still further in other directions.

If our friends want more of this war it is waiting for them.

TARIFF ON SUGAR

Mr. SPEARING. Mr. Speaker, I ask unanimous consent to extend my remarks by having printed a letter by the chairman of the tariff committee of the Chamber of Commerce of West Palm Beach, Fla., in reply to a letter published by Mr. William Green, president of the American Federation of Labor, also printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. SPEARING. Mr. Speaker, under the leave to extend my remarks in the RECORD I include a letter by the chairman of the tariff committee of the Chamber of Commerce of West Palm Beach, Fla.

The letter is as follows:

WEST PALM BEACH, FLA., *May 21, 1929.*

WILLIAM GREEN, Esq.,
President American Federation of Labor,
Washington, D. C.

DEAR SIR: Our attention is called to a letter written by you to Congressman FREAR, and read by Mrs. RUTH PRATT, on the floor of the House, in which you are quoted as stating that the higher duty on sugar was "unjustifiable and indefensible" and was in protection of an industry hiring "women, children, and Mexican labor at indecent wages and under intolerable conditions of employment."

Your statement can be attacked in many different ways. Firstly, it has been proved that the "hiring of women, children, and Mexican labor at indecent wages" is not practiced in the United States sugar industry. This was gone over at the time Congressman FREAR made his statement and disproved in its entirety as being unpremised propaganda of the vilest kind.

Secondly, it is for the protection of the American farmer and agriculturalist that the product of other countries where women, children, and illiterates labor at indecent wages is being fought against.

We can not compete with the product of this kind of labor and therefore are begging for relief by a protective tariff. When you make statements of this sort it would almost seem that you do not realize your responsibility to those who placed you at their head.

A higher tariff is necessary and is justifiable, due to the fact that in the last 15 years the sugar production of the beet and cane growing States of this country has remained stationary, but the sugar production of Cuba has progressed 100 per cent. The present tariff wall has not been high enough to restrain the Cuban production, which has grown at the expense of our production.

A higher tariff on sugar is defensible when one considers that the proposed tariff on beef is 6 cents per pound, whereas the proposed tariff on sugar against Cuba is 2.40 cents per pound, or less than half the meat tariff. Sugar is as important a food item as beef. Because our sugar industry had not been properly encouraged, sugar was the only important food we were really short of in the World War when Mr. Hoover was food administrator.

Labor in the United States is protected by strong exclusion laws, the purpose of which is to maintain a proper standard and dignity of labor by excluding undesirables and restricting immigration. Is it not just as important to keep out, at a competitive ratio, the product of these peoples to restrict the cheap products of these undesirable and alien types of workmen so that our own can live and thrive? This production on the outside is merely forcing your own people to compete with a labor with which they can not compete.

The United States now buys $300,000,000 worth of sugar from other countries. In that figure is an endless and infinite usage of moneys. Why would it not be better to have that money working in the United States? When we think of other industrial activities, such as automobiles, we certainly see to it that the $300,000,000 is going into the building up of our home life and the better welfaring of our laborers.

Many other reasons in favor of the higher tariff on sugar exist. It is axiomatic that any tariff which has not enabled an industry to grow, much less exist, is certainly too low. Cane, beet, and corn sugar producers could give more work to thousands, and homes where there is

now strife and impoverishment would again thrive and justify a great and necessary American industry.

You as head of the American Federation of Labor should know these simple and fundamental facts regarding American labor and reverence them.

Very truly yours,

FLORIDA STATE CHAMBER OF COMMERCE,
JULES BURGUIERES,
Chairman Tariff Committee.

SALE OF THE UNITED STATES SHIPPING BOARD PASSENGER AND FREIGHT LINES

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLOOM. Mr. Speaker, ladies, and gentlemen of the House, on March 21 last there occurred the most significant event in contemporary maritime history. On that day an American citizen, well known as an investment banker and business man, affixed his signature to a contract assuming the responsibility for maintaining between New York and Europe a passenger and cargo service that should mean the permanent reestablishment of American flag participation in this, the premier ocean transportation service of the world.

No incident so dramatic has marked the maritime development of the United States during the past 75 years. It was American enterprise which in 1816 started the first line of trans-Atlantic packets, the famous Black Ball Line, between New York and Liverpool. It was the further effort of American shipping men that between 1816 and 1840 was responsible for the establishment of some 10 other lines of fast sailing vessels which throughout that period dominated the transportation of mail and passengers between America and Europe.

On the longer trade routes from the Atlantic to the Pacific and to the Orient it was the American clippers which between 1843 and 1860 established world speed records for sailing ships that have never since been equaled.

By 1840 steam was beginning to take the laurels away from sail in the North Atlantic, but for a number of years following 1850 the United States again took the lead, under the new power. In November, 1847, the United States Government had contracted with Edward K. Collins, a conspicuous New York merchant and shipping man, for the establishment of a line of mail steamers, under the American flag, between New York and Liverpool. By 1850 Mr. Collins had completed the four finest steamships which had yet been built, vessels which were able to shorten by more than a day the average passage time of the Cunard Line, which had been established about 1840 by the aid of British subsidies. For several years the Collins Line continued to stand for the best in the trans-Atlantic service. But in 1854 one ship was lost at sea and in 1856 another. By acts of Congress in 1856 and 1858 the mail pay was radically curtailed, and immediately after the latter reduction the Collins Line went out of existence.

From 1850 until the World War the only effort of note to place the American flag in the trans-Atlantic service was that of the American Line, which in the nineties bought the ships *New York* and *Paris*, and built the ships *St. Louis* and *St. Paul*, of Spanish-American War fame.

Neither the establishment of the American Line nor any other attempt at earlier or later dates to found an American-flag trans-Atlantic passenger service was, however, anything more than an isolated incident. From shortly after the beginning of the age of iron and steel on the seas, in the forties, down to the late war, the interests of the United States have been so engrossed, first in the prolonged sectional conflict which culminated in the Civil War and then in developing America's own West, that our people have shown very little interest in the reconquest of the seas. During most of the long period since the early fifties America's annals of the sea not only on the North Atlantic but all over the world have been little more than a blank. It took the Great War of 1914–1918 to awaken the United States to the danger that she had run in neglecting ocean shipping, and it took the era of enlarged world power which followed the war to give American business men a vivid realization of the opportunities offered by foreign trade and the need of reestablishing a national mercantile marine which would facilitate and make secure the carrying on of such world trade.

The building of the Great War fleet of the United States was in its earlier stages entirely a military rather than a commercial measure. The construction during the war emergency of capital equipment designed to meet commercial needs was one of the last things that the United States was interested in in 1917 and 1918. At one time or another the United States Shipping Board, in its various shipping activities, such as in contracts for new tonnage, vessels chartered, seized, commandeered, and requisitioned, was involved to the extent of 4,500 vessels of 24,500,000 dead-weight tons, by a substantial margin the greatest fleet of ocean-going vessels ever assembled or in process of construction under one flag. In this total, however, were included 856 wood vessels of 3,000,000 tons and 450 lake type vessels of 1,750,000 tons, as well as a smaller number of concrete and composite vessels. Furthermore, the types of steel vessels contracted for were determined primarily by what shipyards could most readily construct. If a yard could most readily construct vessels of a certain type, the yard would in many cases be given a contract for as many vessels of that type as it could construct, regardless of any question as to the fitness of that type of vessel to compete with the vessels of foreign nations after the war. Thus the Government contracted for 192 vessels of the 8,800-ton type, 118 vessels of the 5,000-ton type, and 110 vessels of the Hog Island cargo type—types which, from purely commercial considerations, certainly would not have been produced in duplicate in this profusion if they would have been constructed at all.

To the extent that conditions permitted, the Emergency Fleet Corporation—as it was then known—produced good vessels. But the proportion of the vessels whose plans fit some definite commercial need was not a large one; and vice versa, the more recently developed tastes of the maritime world for vessels better adapted for the needs of present and future commerce found almost no reflection in the types of vessels built by the Emergency Fleet Corporation.

From a shipping standpoint, the war emergency lasted until about 1921; for although the armistice was signed in 1918, American troops were in Europe for some time longer, and for many months after their withdrawal the need all over the world for the replenishment of supplies, and the continuing disorganization of the merchant fleets of belligerents, led to so strong a demand for ocean tonnage that until late in 1920 all types of vessels were in demand at such high rates that all but the most poorly adapted could make a profit.

After the armistice there were wholesale cancellations of contracts for all vessels still in the earlier stages. The war had shown the importance, however, of having a merchant fleet under the American flag, and it was decided to make as good use as possible of the vessels that had been completed or could be completed at a reasonable cost. With the end of the after-the-war shipping boom in 1921, the United States Shipping Board faced the practical problem of adapting the war fleet to the competitive conditions of peace-time commerce. It was further necessary to bring about an extensive rounding out of America's new mercantile fleet so as to serve the needs of American commerce in a thoroughly up-to-date way.

By the early days of the war in 1914, America's sea-going merchant fleet had declined to next to nothing. The United States found itself with a few vessels in the Pacific and a considerable number in the near-by trade to the Caribbean, but outside of the protected coastwise and intercoastal trades and tankers and other vessels owned by a few great industrial corporations that was practically all. Not only were American lines in most parts of the world nonexistent and American tramps unheard of, but from the United States to certain parts of the world, as Africa and large parts of South America, there was no substantial service even by foreign-flag lines.

Charged as it had been in the shipping act of 1916 and the merchant marine act of 1920, with the encouragement and development of a merchant marine that would meet the requirements of the foreign commerce of the United States, the Shipping Board about 1921 undertook an extensive study of the trading areas of the world and mapped out in a systematic way those trade routes which American commerce needed if its development was to proceed in an unhampered way. These included both routes previously served with more or less efficiency by foreign lines and routes on which foreign interests had as yet established no service. The proposed routes took into consideration not only America's well-established ports, but the needs of every section of the country, coastal and inland, north, south, and west.

The merchant marine act, 1920, declared it to be the policy of the United States that the new merchant marine should ultimately be owned and operated privately by American citizens. When the Shipping Board was developing its comprehensive plan for the building up of permanent American-flag trade routes in 1921, it was, however, out of the question to hope that private American capital would, under the conditions then existing, undertake the establishment of the trade routes which

the Shipping Board's analysis showed were needed. For more than 75 years American shipowners had in vain sought to make a profit out of foreign-going lines. In 1921 and for several years afterwards, shipping throughout the entire world was in a depressed condition, so that even the most firmly established foreign lines were doing badly financially. To get the necessary lines started, therefore, the Shipping Board adopted a policy of allocating to managing operators the most suitable tonnage that it had at its disposal, and itself assuming the cost and ultimate responsibility for establishing these trade routes which it regarded as essential. The managing operators were to have the immediate responsibility for building up the services, but they were to do so at the expense and for the account of the Shipping Board. For a time this would mean a substantial loss or cost to the Government, but it was hoped by the Shipping Board that through this means American citizens could be trained as ship operators, that traffic and trade connections could be built up around American-flag lines, and that then, when the pioneering work had been done, some if not all of the lines could be sold to private American citizens who would operate them permanently on a purely business basis. Prior to this reorganization of America's foreign-trade services by the Shipping Board, the Government ships had been allocated, during the fiscal year ending June 30, 1921, to as many as 187 different operators, operating from 1 to 59 ships each. By June 30, 1922, these scattered operations of Shipping Board vessels had been organized into 77 services in the hands of 40 operators. Later many of these lines were consolidated so that the number of lines became 38, in the hands of a somewhat smaller number of operators.

During the last five or six years the major attention of the Shipping Board has been centered upon two tasks. The first has been the task of improving the services and reducing the losses on the lines of vessels that had been established. The second has been the sale of these lines to American citizens who could be depended upon to maintain the services privately under the American flag.

For the fiscal year ending June 30, 1924, the operating losses were $41,000,000. In 1925 these were reduced to $30,000,000, and in 1926 to some $19,000,000. In 1927 the operating losses were less than $16,000,000, and in 1928, a year of less favorable operating conditions, they were about $16,000,000.

In its sale of lines the Shiping Board has always insisted on a guaranty of operation for a term of years. The first sale for restricted operation of Shipping Board vessels was a single passenger vessel sold for operation between the Pacific coast and Hawaii in August, 1923. The next month seven vessels were sold to the Dollar Steamship Line for the establishment of their famous round-the-world service. This line was at no time operated by the Shipping Board; but it was started with vessels bought from the Shipping Board under contract to establish this service. In December, 1923, the first of five vessels was sold to W. R. Grace & Co. for guaranteed operation between the north Pacific coast and the west coast of South America. Grace & Co. were already in the service, so that this did not mean the establishment of a new line, but it did mean the reequipment and aid of an existing service and a guaranty of its continuance over a period of years.

In April, 1925, the five passenger vessels constituting the California Orient Line were sold to the Dollar Steamship Line for operation between San Francisco and Honolulu and the Orient as the American Mail Line.

In May, 1926, the Shipping Board made the further sale to the Dollar interests of the five passenger vessels which had constituted the American Oriental Mail Line, which thereupon became the American Mail Line service between Seattle and Victoria and Honolulu and the Orient. The Shipping Board by these sales disposed of the last of its passenger vessels operating from the Pacific coast. It had, however, already accomplished its purpose of establishing a fleet of high-class passenger vessels which were making the American flag well known on the north Pacific, and to a certain extent around the world.

In August, 1925, the Shipping Board sold the 18 cargo vessels making up the American export lines, operating between the North Atlantic and Mediterranean and Black Sea ports. In November of the same year the Shipping Board sold the four passenger vessels of the Pan American Line operating between New York and the east coast of South America. With this sale the Shipping Board disposed of the last of its active passenger ships, except for the vessels of the United States Lines and the American Merchant Lines, which were included in the recent sale.

In January, 1926, the Shipping Board sold the five cargo vessels constituting the American-South African Line. With the sale in June, 1928, of 10 vessels constituting the American-West African Line, the Shipping Board disposed of all its services to African ports, other than the incidental service rendered by vessels sailing into or through the Mediterranean Sea.

In January, 1926, the Shipping Board sold the six vessels of the Pacific-Argentine-Brazil Line, and with this sale disposed of the last of its services from the Pacific coast to any part of South America. Six months later, in June, 1926, the board sold one vessel for guaranteed operation between New York and Hampton Roads and the Caribbean.

In October, 1927, the six vessels making up the American Scantic Line, operating from North Atlantic ports to Norway and the Baltic, were sold.

In March, 1928, the Shipping Board sold the 39 vessels comprising the cargo services of the American-Australia-Orient Line, Oregon Oriental Line, and American Oriental Mail Line, which operated between the Pacific coast and the Orient. This disposed of the last of the vessels which had been operated for the Shipping Board from Pacific coast ports.

In October, 1928, the nine vessels of the American Palmetto Line operating from South Atlantic ports to the United Kingdom and North European ports were sold. Also in the fall of 1928 the Shipping Board sold two refrigerator ships for operation between South Atlantic ports and Europe.

Prior to the sale of the United States Lines and American Merchant Lines, the Shipping Board had thus sold, in all, a total of 17 lines, most of which had been developed under Shipping Board operation, and all of which have since their sale been faithfully serving the needs of American commerce on the high seas of the world.

In general public interest the United States Lines have, however, occupied a larger place than all the other cargo and passenger services of the United States Shipping Board, sold and unsold, put together. To occupy first position in North Atlantic passenger service has long been the ambition of every nation of Europe and America which has aimed to build up maritime power. Here the competition is fiercest and the vessels are largest and fastest.

As a result of the war the United States had acquired several large German vessels and also had built some transports, which were afterwards converted for passenger service. After the war a group of these vessels were placed in the North Atlantic passenger service. In 1919 the Shipping Board negotiated a sale of this service, but was restrained from completing the sale by injunction. The merchant marine act, 1920, clarified the Government's powers and policy with reference to sale; but in the absence of a satisfactory market the North Atlantic passenger vessels were in 1920 chartered to private shipping interests. The operation by these interests was not successful, and in 1921 the Shipping Board took the vessels back.

In 1923 the United States Lines were organized in much their present form for direct operation by the United States Shipping Board through what was then known as the Emergency Fleet Corporation. The lines as finally constituted included the *Leviathan*, the *George Washington*, the *America*, the *Republic*, the *President Harding*, and the *President Roosevelt*.

From 1923 to 1929 the United States Lines were operated with outstanding and growing success by the Shipping Board. The service proved to be popular with the traveling public, and the operating losses, which in the fiscal year 1924 were $3,463,000, were reduced in 1925 to $2,316,000, in 1926 to $1,497,000, and in 1927 were turned into a profit of $371,000. In 1928, owing in large part to the innovation of sending the *President Harding* and the *President Roosevelt* on special cruises to the Mediterranean, a venture which proved to be unprofitable, there was an operating loss of $465,000.

In 1928 the passage of the Jones-White Act, with its liberal provisions for loans and mail contracts, put the United States Lines and the American Merchant Lines on a salable basis, and a renewed effort was thereupon made to sell these lines as the basis for a permanent American passenger and cargo service in the North Atlantic under private operation.

In June, 1928, the Shipping Board authorized the preparation of advertisements, notices to bidders, and forms of contract upon which the lines could be offered to private American citizens for guaranteed operation under the United States flag. In order to make the offer as broad and attractive as possible, and in keeping with the requirements of our national defense and commerce, as well as to assure the permanent operation and expansion of the lines, the ships were offered under several different proposals. Specifically, there were 10 propositions presented to bidders.

In order to give a better understanding as to just how these propositions were presented, they are set forth as follows:

(1) For the purchase of the vessels *Leviathan, George Washington, Republic, President Harding, President Roosevelt,* and *America,* and the trade name and good will of United States Lines, together with the purchase of the vessels *American Banker, American Farmer, American*

Trader, American Shipper, and *American Merchant,* and the trade name and good will of American Merchant Lines, for operation in accordance with the provisions of the draft of contract attached hereto.

(2) For the purchase of the vessels and property comprised in proposition (1), for operation as therein provided, together with the purchase of the vessels *Monticello* and *Mount Vernon,* "as is, where is" to be reconditioned within two years from date of award at the expense of the buyer, in accordance with one of the 13 alternate plans and specifications approved by the United States Shipping Board, for the reconditioning of these two vessels, and to be added to the line to be maintained with the vessels, set forth in proposition (1) and operated in the manner hereinafter set forth in paragraph (b) of this proposition (2). Such reconditioning is to be done within the continental limits of the United States.

(b) To provide that within two years from date of said award, or any extended period granted by the United States Shipping Board, the purchaser will place said vessels *Mount Vernon* and *Monticello* in operation between New York and a port in the United Kingdom and a port in France, with the privilege of calling at any other United Kingdom, Irish, French, and German ports and any other United States north Atlantic ports, and will make with each of said vessels, after so placed in operation, not less than two round voyages each 60 days, between March 1 and December 31 of each year, and will make with each of said vessels not less than 13 round voyages per annum.

(3) For the purchase of the vessels and property comprised in proposition (1), coupled with an agreement by the purchaser to construct within three years from date of award, two new vessels within the continental limits of the United States, of suitable type, size, and speed for operation, as set forth in paragraph (b) of proposition (2).

(4) For the purchase of the vessels and property comprised in proposition (1), except the vessels *President Harding* and *President Roosevelt,* for operation as therein set forth, together with the purchase of the vessels *Monticello* and *Mount Vernon* under the terms and conditions set forth in proposition (2).

(5) For the purchase of the vessels and property comprised in proposition (1), except the vessels *President Harding* and *President Roosevelt,* for operation as therein set forth, coupled with an agreement by the purchaser to construct and operate two new vessels under the terms and conditions set forth in proposition (3).

(6) For the purchase of the vessels, the *Leviathan, George Washington, Republic, President Harding, President Roosevelt,* and *America,* and the trade name and good will of United States Lines for operation as set forth in section (1) to (6), inclusive, of article 8 of the draft of contract attached hereto, together with the purchase of the vessels *Mount Vernon* and *Monticello* under the terms and conditions set forth in proposition (2).

(7) For the purchase of the property comprised in proposition (6) except the vessels *Mount Vernon* and *Monticello,* for operation as therein set forth, coupled with an agreement by the purchaser to construct and operate two new vessels under the terms and conditions set forth in proposition (3).

(8) For the purchase of the vessels *American Banker, American Farmer, American Trader, American Shipper,* and *American Merchant,* together with the trade name and good will of American Merchant Lines, for operation in accordance with section (7) of article 8 of the draft of contract attached hereto.

(9) For the purchase of the vessels *American Banker, American Farmer, American Trader, American Shipper,* and *American Merchant,* together with the trade name and good will of American Merchant Lines, for operation between any North Atlantic port and the United Kingdom, with the privilege of calling at any Irish or continental European channel port for the purpose of carrying passengers, mail, and cargo.

(10) For the purchase of the property comprised in proposition (9) for operation between any Pacific coast port and the United Kingdom (with the privilege of calling at any Irish or continental European port for the purpose of carrying passengers, mail, and cargo).

A conspicuous feature of the propositions, it will be noted, was the requirement for replacements and expansion of the United States Lines.

Too great importance could not be attached to the need of new tonnage to balance the service. Chairman T. V. O'Connor, of the United States Shipping Board, declared to the Senate Committee on Commerce in January, 1927, that "to talk about a merchant marine in this country without replacement is making us the capital joke of the world." It was therefore with careful vigilance toward guaranteeing the addition of fast modern-type vessels to the lines that the Shipping Board made provision for replacements by at least two ships of suitable type, size, and speed to be placed in service with the other vessels of the line.

On January 15, after prospective purchasers had had an extended period for study of the propositions, the bids were opened and the results of the board's efforts became known. It was a great day for the American merchant marine. It must have been a day of great satisfaction to the people of the country to behold the American shipping interests breaking loose from their timidity and coming forward with firm offers to take over the lines and operate them under our flag and to furnish guaranties for their permanency. The bids were not in sums of small denominations. Seven substantial organizations with offers in the millions of dollars came forward and presented their bids with good-faith deposits to assure the assumption of a contract with the Government.

The offerers included the American Line Steamship Corporation; American Export Lines; Roosevelt Steamship Co. (Inc.); Admiral Oriental Line; J. H. Winchester & Co. (Inc.); Gibbs Bros. (Inc.), and G. M. Standifer; J. H. Winchester & Co. (Inc.); and Paul W. Chapman.

The proposals submitted by the prospective bidders were, briefly stated, as follows:

American Line Steamship Corporation: $6,000,000 for the purchase of the vessels operating on the United States Lines, to be used as the nucleus in forming a trans-Atlantic service, and with the understanding that this service will require a sister ship to the *Leviathan* at once and another vessel shortly thereafter.

American Line Steamship Corporation: $1,500,000 for the purchase under proposition 8 of the vessels operating on the American Merchant Lines, or $300,000 for each of the five vessels and $2 for the leaseholds.

American Export Lines: $812,000 each for the vessels *President Harding* and *President Roosevelt* for operation between North Atlantic ports and Mediterranean upon the same terms and conditions as outlined in their original contract of sale for 18 cargo vessels.

Roosevelt Steamship Co. (Inc.): $2,275,000 for the purchase under proposition 9 of the vessels operating on the American Merchant Lines, or $455,000 for each of the five vessels. A bid of $1,000 was made for the leaseholds.

Admiral Oriental line: $2,525,000 for the purchase under propositions 9 and 10 of the American Merchant Lines, or $505,000 for each of the five vessels.

J. H. Winchester & Co. (Inc.), Gibbs Bros. (Inc.), G. M. Standifer, $10,000,000 as a joint bid under proposition 4 for the purchase of the United States Lines and American Merchant Lines, exclusive of the steamers *President Harding* and *President Roosevelt,* but with agreement to recondition the *Mount Vernon* and *Monticello* and install double reduction gears, compound turbines, and water-tube boilers, or in lieu thereof, install turbo-electric drives and water-tube boilers upon plans and specifications prepared by Gibbs Bros. Inc.). A bid of $1 was made for the leaseholds.

J. H. Winchester & Co. (Inc.), $3,025,000 for the purchase under proposition 8 of the vessels operating on the American Merchant Lines, or $605,000 each for the five vessels. A bid of $1 was made for the leaseholds.

Paul W. Chapman, $16,082,000 for the purchase under either proposition 1 or proposition 3, at the board's election, of the vessels operating on the United States Lines and American Merchant Lines, the individual price for each vessel being as follows:

Leviathan	$6,782,000
Republic	1,000,000
George Washington	2,000,000
America	2,000,000
President Harding	1,000,000
President Roosevelt	1,000,000
American Trader	460,000
American Banker	460,000
American Merchant	460,000
American Farmer	460,000
American Shipper	460,000
	16,082,000

A bid of $218,000 was made for the leaseholds, making a total of $16,300,000 for these lines.

The bidder further stated that in addition to the two new vessels to be constructed, as provided for under proposition 3, he contemplated constructing other new tonnage for operation on the United States Lines, and agrees to operate all of the vessels under contract for 10 years.

While the Shipping Board and its subsidiary organization, the Merchant Fleet Corporation, were engaged in a study of the various proposals received, the Senate on January 28, 1929, passed a resolution known as Senate Resolution No. 317, which directed the board to furnish information in reply to certain specific questions. It will not be necessary for me to go into the details of the inquiry made by the Senate Committee on Commerce. After publicly hearing members of the board and any witnesses who desired to be heard, the committee finally advised the board on February 14, 1929, that it had concluded not to interfere in the sale of the lines.

The bid of Paul W. Chapman was by far the most satisfactory bid. It was the highest in monetary value and furnished also guaranties for building within a period of three years two new vessels of modern type to run with the *Leviathan.* As

Chairman O'Connor stated on February 14, 1929, when the Chapman bid was accepted:

The Shipping Board has made the most outstanding sale in its career to an American citizen in whom it has the utmost confidence as to his ability to secure to the American merchant marine its position in the North Atlantic trade.

Since that time the contract of sale has been executed. Let us see how carefully the interests of the Government have been safeguarded in this agreement.

In the first place, the sale was made to an organization capable of carrying out its obligations, and the buyer has, in fact, lost no time in assuming the new responsibility.

On April 8 deliveries of the vessels began with turning over the *Leviathan*. Further scheduled deliveries include the *American Farmer*, on April 22; the *American Shipper*, on April 29; the *President Harding*, on May 6; the *American Banker*, on May 7; the *President Roosevelt*, on May 13; the *American Merchant*, on May 14; the *George Washington*, on May 20; the *American Trader*, on May 21; the *America*, on May 27; and last, the *Republic*, on June 6.

The buyer has solemnly covenanted and agreed with the Shipping Board to maintain the lines as common carriers of passengers and freight with the vessels purchased, and with any substituted or new vessels, between the port of New York—with the privilege of calling at other North Atlantic ports—and ports of the United Kingdom, Ireland, France, and Germany, for a period of 10 consecutive years, beginning with the date the buyer takes delivery and places on loading berth the first of the vessels purchased.

The buyer further agrees to furnish adequate service on the lines and to make the following minimum number of voyages with the vessels purchased and the two new vessels:

SECTION 1. With the *Leviathan* not less than two (2) round voyages each sixty days between March 1st and December 31st of each year, and not less than thirteen (13) round voyages per annum, between the port of New York and a port in the United Kingdom and a port in France, with the privilege of calling at any other United Kingdom, Irish, French, and German ports, and any other United States North Atlantic ports.

SEC. 2. With the *George Washington* not less than one (1) round voyage each sixty days between March 1st and December 31st of each year and not less than ten (10) round voyages per annum, between the port of New York and a port in the United Kingdom and a port in France and a port in Germany with the privilege of calling at any other United Kingdom, Irish, French, and German ports and any other United States North Atlantic ports.

SEC. 3. With the *America* not less than one (1) round voyage each sixty days between March 1st and December 31st of each year and not less than ten (10) round voyages per annum, between the port of New York and a port in the United Kingdom and a port in France and a port in Germany, with the privilege of calling at any other United Kingdom, Irish, French, and German ports, and any other United States North Atlantic ports.

SEC. 4. With the *President Harding* not less than one (1) round voyage each sixty days between March 1st and December 31st of each year and not less than ten (10) round voyages per annum, between the port of New York and a port in the United Kingdom and a port in France and a port in Germany, with the privilege of calling at any other United Kingdom, Irish, French, and German ports and any other United States North Atlantic ports.

SEC. 5. With the *President Roosevelt* not less than one (1) round voyage each sixty days between March 1st and December 31st of each year and not less than ten (10) round voyages per annum, between the port of New York and a port in the United Kingdom and a port in France and a port in Germany, with the privilege of calling at any other United Kingdom, Irish, French, and German ports and any other United States North Atlantic ports.

SEC. 6. With the *Republic* not less than one (1) round voyage each sixty days between March 1st and December 31st of each year and not less than eight (8) round voyages per annum, between the port of New York and a port in the United Kingdom and a port in France and a port in Germany, with the privilege of calling at any other United Kingdom, Irish, French, and German ports and any other United States North Atlantic ports.

SEC. 7. With the *American Banker, American Farmer, American Merchant, American Shipper,* and *American Trader* not less than two (2) outward voyages per month and not less than forty-five (45) outward voyages per annum, between the port of New York and the port of London with the privilege of calling at Plymouth and other United Kingdom, Irish, or continental European channel ports for the purpose of carrying passengers, mail, and cargo.

Beginning not later than February 13, 1932, or the end of such extended period for the completion of said two new vessels as the same may be extended as hereinbefore provided, not less than two (2) round voyages each sixty (60) days between March 1st and December 31st of each year with each of said two new vessels and not less than thirteen (13) round voyages per annum with each of said vessels between the port of New York and a port in United Kingdom and a port in France with the privilege of calling at any other United Kingdom, Irish, French, and German ports and any other United States North Atlantic ports.

The buyer further agrees that the vessels shall be operated upon a regular schedule and not otherwise, and that all of the vessels shall be operated under American registry. Should the buyer increase the services by placing additional vessels on the line during the 10-year period, he agrees that such additional vessels shall be documented under the laws of the United States.

In order to give our American operator equal opportunity with foreign competition, the Shipping Board has granted permission in the contract, subject to the approval of the board, that the buyer may operate the vessels on special cruises, provided the minimum number of voyages set forth in the contract is maintained.

With respect to the two new vessels, which the purchaser is obligated to place in the lines the purchaser has agreed to construct within the continental limits of the United States at its own expense two new vessels of type, size, and speed suitable, in the opinion of the Shipping Board, for operation on the said line, and to be built in accordance with plans and specifications approved by the board.

The buyer further agrees that the plans and specifications for these two new sister ships to the *Leviathan* will be submitted to the board for approval on or before February 13, 1930, and that the vessels shall be completed and placed in operation upon the lines on or before February 13, 1932, subject, of course, to extensions for unavoidable interruptions and delays.

Supposing the buyer should default—what safeguards has the board provided?

If default shall be made in any one year in making any one or two of the voyages required to be made with the *Leviathan* or with either of the two new vessels, the buyer shall pay the seller the sum of $150,000 as liquidated damages for each voyage so defaulted.

If defaults of one to four voyages are made in any one year with the respective ships of the United States Lines, other than the *Leviathan*, the buyer must pay $50,000 as liquidated damages for each voyage defaulted, and in the case of the American Merchant Lines' ships, $25,000 per voyage. As a further protection, if as many as three voyages are defaulted with the steamship *Leviathan*, or five voyages with any of the other of the United States Lines or American Merchant Lines' ships, or if default be made in the submission of plans and specifications or the construction of the two new vessels, or in placing the vessels in operation in the line within the dates as provided in the contract, then there shall be considered a total default in the maintenance of the line. The buyer thereupon must forthwith pay to the seller in addition to the sum stipulated above a lump sum of $2,500,000, in case the default happens during the first year of the 10-year period; $2,250,000 if during the second year; $2,000,000 if during the third year, and so on down until the graduated scale reaches $250,000, should the default happen during the tenth year or any extended period which may be contracted for the guaranteed service.

The contract goes farther in the event of total default. The buyer must surrender the possession of all of the vessels in the same state and condition as when delivered by the seller, ordinary wear and tear excepted, and must also turn back the trade name and good will of the United States Lines and American Merchant Lines, or any other trade name under which the vessels may hereafter be operated with the consent of the Shipping Board, together with the good will and all other property sold with the ships, and must deliver to the seller a bill of sale with clear title.

The Shipping Board has provided that the vessels must be adequately insured; and in the event of the actual or constructive total loss of any of the vessels sold, the insurance money received shall be applied first to the payment of sums owing to the Government under the terms and provisions of the mortgage on the vessel lost; second, in payment to the buyer of such sums as have been paid on the purchase price of the vessel; and, third, in the event that the buyer within one year enters into a contract for the purchase or construction of a vessel satisfactory to the seller, upon plans and specifications to be approved by the seller, the balance of the insurance moneys shall be applied on the payment of the cost of the replacing vessel.

What protection has the buyer against the Shipping Board establishing another line or selling vessels for operation in competition with the lines sold?

The contract is clear on this point. So long as there shall not be a total default in the maintenance of the line and so long as

adequate service is maintained, the Government agrees that it will not, during the 10-year period, operate or permit to be operated for its own account between the port of New York and any port or ports in the United Kingdom, Ireland, France, or Germany, any United States Shipping Board combination passenger and cargo vessels of the same type and class in competition with said line.

The Government further agrees that it will not during the 10-year period charter any such vessels at a price lower than current market charter rates for operation between such ports in competition with said line. The Government goes even farther and agrees that it will not during the 10-year period authorize or permit any such United States Shipping Board combination passenger and cargo vessels hereafter sold for restricted trading to operate between such ports in competition with said line.

One very important clause in the contract relates to the possible abandonment or curtailment of service on the line at the end of the 10-year period. The Shipping Board has wisely inserted a clause which provides that the buyer agrees to give the board at least one year's notice of his intention to take such action, in order that the board may make proper arrangements to reestablish and continue the line.

It will not be necessary to go into the details regarding the notes, bonds, mortgages which have been provided for as security for the payment of the purchase price; but it will be sufficient to say that the interests of the Government and the American merchant marine have been as adequately protected as they would have been by any business organization in private enterprise.

The relations of the Shipping Board to the transaction will be one of continuing interest. There will not only be the watchful supervision over the maintenance and operation of the lines, but the board, under the provisions of the merchant marine act, 1928, has yet to exercise its authority with respect to the granting of a loan covering the construction of the new vessels, as well as carrying out the provisions of the same act with respect to a mail-carrying contract.

The sale of the United States Lines and the American Merchant Lines has met with the approval of the country to a remarkable degree. Practically none of the adverse criticism which usually accompanies a transaction of this magnitude has been heard. On the contrary, the action of the Shipping Board has been generally applauded by the press and public opinion. The following editorial, taken from the Washington Post of April 9, 1929, well represents the general view:

SALE OF THE MERCHANT FLEET

There occurred yesterday in New York an event that marks a new era in the history of the American merchant marine. This was the formal delivery to her new owners of the world-famous *Leviathan*, flagship of the Shipping Board's North Atlantic passenger fleet, and the first of the 11 Government-owned passenger vessels in this service to be transferred to private American interests. The occasion was fittingly observed aboard the giant craft by some of the country's leading shipping authorities, Chairman T. V. O'Connor, of the Shipping Board, making the principal address. Telegrams commenting on the significance of the event were received from a number of prominent persons, including the Postmaster General.

The occasion was sufficiently important to call for a comprehensive statement relating to the merchant marine. This was furnished by Chairman O'Connor, when he showed that, of 2,543 vessels acquired as a result of the war, the board has already sold 1,700, totaling 8,750,000 deadweight tons, for which the Government has received in cash approximately $400,000,000.

These figures will be noted with interest by all friends of the merchant marine, and at the same time should silence those critics of the Shipping Board who have claimed that there has been unnecessary delay in getting the Government out of the shipping business. When account is taken of vessels disposed of otherwise than by sale it may be noted that there are but 600 ships still left in the Shipping Board's possession, and that there are excellent chances of selling many of these in the near future. In short, far from being dilatory in transferring the ships to private American interests, it must appear that the Shipping Board, under the able leadership of Chairman O'Connor, has, in the face of almost insuperable obstacles, accomplished remarkable results in already disposing of the greater part of the fleet.

The significance of this achievement will appear more fully if it is borne in mind that in all sales of vessel property it has been necessary for the Shipping Board to consider most carefully the best interests of private American shipowners and shipbuilders, in order to avoid making any sales that would adversely affect existing conditions. In other words, it has been a case not merely of selling ships, but of selling them in such a way that the American merchant marine as a whole would be benefited by the various sales negotiated. Constant observance of this requirement has enormously increased the Shipping Board's difficulties.

Many of the vessels disposed of have gone to build up American coastwise and intercoastal lines. These splendid services far outrank any similar steamship services in the world. Other ships and ship lines sold by the board are upholding American commercial prestige in the foreign trades. Chairman O'Connor, in his New York address, showed that out of 38 foreign-trade lines established by the board, in a network of services extending to all parts of the world, 20 have been sold to American citizens for guaranteed operation over a fixed period of years. The nation-wide commercial benefits resulting from the operation of these foreign services are incalculable.

Because of the value of the ships and the importance of American North Atlantic passenger traffic, the sale of the *Leviathan* and her sister ships to private American interests constitutes the outstanding event in the Shipping Board's sales program. Every American must wish success for the new undertaking, which seems destined to furnish another fine example of American commercial acumen and initiative working in a public-spirited way. Friends of the merchant marine should remember, however, that the success of the new venture will by no means depend entirely on the business sagacity and enterprise of the owners, but will be contingent in large measure upon the patronage of American travelers and shippers. Use American ships!

Since the sale of the United States Lines and American Merchant Lines, the Shipping Board has accepted a bid for the Gulf, Brazil, River Plate Line, which brings the total sales of lines for guaranteed operation to 20.

In addition to sales for guaranteed operation, the Shipping Board has made a great many other sales of vessels which, as indicated by the figures just quoted, bring the grand total for all ship sales to the enormous figure of approximately 1,700 vessels of 8,750,000 deadweight tons, the cash payments on these amounting to approximately $400,000,000, with additional deferred payments yet to come.

Important as have been the sales of lines already made, the Shipping Board has yet to sell 18 cargo lines which are now being operated through managing operators. Funds are available for the conclusion of mail contracts covering six of these lines and these will probably be sold in the comparatively near future. This will reduce the number of lines still operated by the Government to about 12 out of an original 38.

The sale of the United States Lines may well be regarded as one of the two or three major culminating and turning points in the work of the United States Shipping Board. From 1917 until the end of the shipping shortage which followed the war, the Shipping Board was primarily concerned with the construction of ships. From 1921 until 1929 the Shipping Board has been engaged primarily in the establishment and maintenance of a Government-owned merchant marine. However, as early as 1923 the Shipping Board began to sell essential trade routes for private operation. Since the passage of the Jones-White Act of 1928 with its construction loan and mail contract provisions, the sale of lines and the development of private American shipping has been so expedited that by the present time more than half of the Government vessels and services have been transferred to private operation.

Now that the halfway point has been definitely passed, the Shipping Board will henceforth be concerned, not so much with the direct operation of Government ships as with the more normal duties of encouraging the growth and regulating the activities of the private American merchant marine. The United States Government, acting through the Shipping Board, has thus far succeeded in building up the American merchant marine to a point where, instead of carrying less than 9 per cent of America's foreign commerce in American ships as in 1910, we are now carrying approximately one-third. Now the Government and the Shipping Board step a little into the background and it becomes primarily the task of the purchasers of the United States Lines and other Government services, and of new American-flag shipping companies to maintain and materially increase this proportion of American commerce carried under the American flag.

As Paul W. Chapman, the successful bidder for the United States Lines and the American Merchant Lines, appropriately said when the Government accepted his high bid:

The acceptance of my bid for the United States and the American Merchant Lines gives to me and to those who are to be responsible for the operation and enlargement of the fleets, what we regard as a supreme opportunity to do our part in carrying out the Government's determination to establish a permanent American merchant marine of importance, equal to the preeminent position of the United States in all other commercial activities.

In agriculture, mining, manufacturing, railroading, foreign trade, and business generally the United States has attained

world preeminence. The main task of the Shipping Board now is to help American business men in their effort to duplicate this success in the field of shipping, following the policies of aid laid down in the shipping act of 1916 and the merchant marine acts of 1920 and 1928.

We have seen that the Shipping Board first built the greatest merchant fleet which has ever been constructed in so short a time. Then it developed the greatest network of ocean-going passenger and cargo liners which has ever been established in so short a period of years. Starting at the very bottom, it built up service and good will and developed traffic so rapidly that the newly established lines are already able, with the aid of our new laws, to hold their own in competition against the oldest and best established of their foreign rivals. And now the Shipping Board has shown itself to be just as energetic in effecting its voluntary retirement from the shipping field in favor of private American operators as it was energetic and successful in entering it during the confused period which followed the war, when private capital was as yet reluctant to make investments in ocean shipping.

When the Shipping Board was set up by the shipping act of September, 1916, its most important functions were to be, not Government operation, but the encouragement and development of a merchant marine and the regulation of carriers by water engaged in the foreign and interstate commerce of the United States. From these general responsibilities its attention has been largely drawn first to actual construction and then actual operation of vessels. With the sale of the United States Lines and other services, the Shipping Board is now in a position to give more attention to carrying out its original functions of aiding and regulating private shipping and, in general, promoting the ocean transportation that is essential for the foreign commerce of the United States.

FARM RELIEF

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from a constituent of mine on the farm relief bill now in conference.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I have frequently said that in much altercation the truth is lost. The wisdom contained in that statement was recognized long ago. It became a Latin proverb, and finally in a new garb became a maxim of the law, which is the highest tribute that can be paid to any expression, recording and registering human experiences through a long number of years.

Much has been said, much has been written, about farm relief, and yet the farmer and those who have to purchase, market, distribute, and consume his products are as yet a long way off from any system that will give good general results—almost as far away as they were a number of years ago. Apparently bulletins, brochures, pamphlets, books, reports, newspaper articles, magazine editorials, and so forth, have been fulminations that made no marked impression upon buyers or sellers nor produced that economy of movement from the farmer to the consumer which would result advantageously to either one of them. In other words, I believe that tons of paper and barrels of ink and a thundering of many voices have been of no great avail even if they have not gone entirely to waste, and yet paradoxical as it may seem, I am going to make a contribution through these remarks in the way of a letter written to me by an old friend, which I commend to the thoughtful consideration of every legislator and farmer who may read that letter.

I know that the matter of fresh fruits and vegetables was in the House bill and the Senate bill and consequently that the conferees, if they adhere rigidly to the rule and do not depart therefrom in letter or in spirit, will not touch with a 10-foot pole. But, if they believe that the letter ofttime killeth the spirit of the law, which I think is a substantial though not perhaps precise statement of the famous old expression, I hope that they may agree upon a report which will express as a result of giving a flexibility and elasticity to the provisions of the House and Senate bills something resembling an approach to the fulfillment or vindication of the reflections of my friend upon the subject and his undoubted desire to be helpful in solving a great problem. It has been frequently said that the laws of the Medes and Persians were without the slightest flexibility and that as a result of their changelessness they could not survive the constant stroke of time registering a changing thought or attitude upon problems that must come and go with the generations of men that succeed each other.

These laws defeated their own purpose and perished from the face of the earth as rules of conduct for men and women. Let us preserve all of our laws by permitting them to grow of themselves. This, of course, should be as true of parliamentary laws, rules, and procedure as it is of the substantive and procedural law, both civil and common. But excellent authority hath it that brevity is the soul of wit; and, probably, without further ado I should submit the letter which I hope will prove a contribution to the agricultural literature already extant. "One bell, one sound" is a French proverb. And "Every medal has two sides," is equally cogent as an English apothegm.

Even if you are an advocate of the House or Senate bill; even if you did vote for one or the other as a Member of the Congress, read this illuminating letter from the sidelines, as it were, or from the "bleachers," to use a good Americanism coined on the baseball field:

You have asked for a further explanation of the autocratic powers granted and contemplated by the stabilization provisions of the farm relief bills.

I do not know that I can do any better than to use the language of one of the most active supporters of the bill. He said that the stabilization provision "was the very heart of the bill." The farm board, loan provision, clearing house provisions, etc., are the arms and legs. The special interests that may be in control are the head.

In theory neither a grower nor dealer has to come in. That is the disarming statement invariably made by proponents of the measure. In practice, however, they will have to come in or be cleaned out if the powers are exercised, and you may be sure an attempt will be made to exercise them. Putting one's head under a guillotine and saying that the operator is so kind and that he wouldn't think of letting the knife do its work is a dangerous practice, and particularly under a law. I don't want any laws where I am dependent solely upon the good intentions of the men who administer it. They might die and others take their places, or in their desire to experiment and try out theories let their hands slip.

To illustrate in apples: A, we will say, is the stabilization corporation with its hand in the Federal Treasury, with no obligation to repay. It is not playing with its money. It has power to buy, store, market, sell, process, and dump its supplies whenever and wherever it chooses. B and C are cooperatives. They ask the board for a loan. The board says: "Do you belong to the clearing house and the stabilization corporation, and are you operating in accordance with the desires of the stabilization corporation?" They say, "No." The board says, "We are sorry but we really can't loan you until you do." In the case of every new cooperative (which can be organized with money from the bill), or one that was on the ragged edge, or any cooperative that wanted money, they would be forced in by economic pressure.

D and E are distributors doing business on their own money. They refuse to join the clearing house or take the dictation of the stabilization corporation (A) as to how much or what they shall handle or from what sources. D and E say, "We have our own shippers who are very well satisfied and also a very nice trade in their brands."

A (the stabilization corporation) with Government money has blocks of apples stored at Chicago, Pittsburgh, New York, Atlanta, and elsewhere. It can dump them when and where it wishes. It keeps track of B's and C's shipments, who do not wish to come in. It keeps track of D's and E's offerings. When the right time comes it dumps its supplies against theirs, shoves them into the auction or otherwise. It has nothing to lose except Government money. The tongues of B, C, D, and E shortly touch the sidewalk and crack open. They decide they better join or go to the poorhouse. Purely voluntary (?), no compulsion. Having come in, B, C, D, and E then obey the rules laid down by the stabilization corporation, take what it says they can take, and from whom and to whom.

These four, we will say, want to operate independently. They have Jonathans and Baldwins stored at Chicago, Pittsburgh, New York, and elsewhere, so does A, the stabilization corporation. A has his bought with Government money—a few millions, for example. Every time B, C. D, and E put up a car, A puts up three or five to their one. How long can they stand the gaff? It is all innocent (?) on A's part—merely the exercise of his marketing judgment.

B, C, D, and E start to export. A knows all about it. It starts dumping against them. It isn't its money. All perfectly innocent (?)—broaden foreign markets, etc. Examples can be multiplied indefinitely.

Put this power in the hands of special interests or any so-called stabilization corporation and where do growers, foreign purchasers, and every other agency get off?

Add to that the power to can, dry, and process, the power to build storages and plants, the power to force private persons to lease or sell plants, and, in case of refusal at the price some board says is reasonable, then to borrow and build side of them with Government funds and you have all the elements of complete autocracy.

Again, add to the foregoing, and "for the purpose of developing continuity of cooperative service from the point of production to and including the point of terminal marketing" the power to acquire "by purchase, construction, or otherwise of facilities and equipment for the preparing, handling, storing, process, or sale or other disposition of agricultural commodities," and you have the most complete autocratic

and monopolistic power ever even contemplated in this country. The words, "or other disposition" embrace everything including manufacture and the operation of retail stores.

The bills are masterpieces of autocracy and monopoly. The stabilization corporation can prepare, buy, sell, store, process, and "otherwise dispose of." It is admitted by those in authority that this embraces manufacture. You can manufacture wool, cotton, or anything that comes from agriculture. The country as a whole is asleep.

It is idle to say that the farm board will not permit a stabilization corporation to buy, dump, manufacture, process, etc., nor to do thus and so. The farm board has little jurisdiction after it has once certified the corporation. From that point on the things that can be done by the stabilization corporation are written in the law and the farm board can not change the law.

It is also idle to say that the farm board will not certify such a corporation if it is not a wise thing to do. There will be a multitude of demands and every kind of pressure, both political and otherwise. President Herbert Hoover in his opposition to debentures said in item 5 (italic ours):

"Although it is proposed that the plan should only be installed at the *discretion* of the farm board, yet the *tendency of all boards is to use the whole of their authority*, and more certainly in this case in view of the *pressure* from those who *would not understand its possibility of harm*, and emphatically from the interested dealers in the commodity."

And yet under the present bills it is proposed to clothe the farm board with discretionary powers infinitely greater than those related to debenture. These bills provide for a complete monopoly and autocracy entirely relieved from the Sherman law and practically all legal restraint. Under them the entire industry from production to consumption can be taken by the throat and by whatever interests are in control.

Take the railroads, for example. A stabilization corporation with large stocks in its power can swing that tonnage where it will and to such roads and terminals as it favors. It can shift the tonnage to water or motor transportation. It holds the big stick and the master hand.

Take the auctions as another example. The stabilization corporation can swing its big business to whatever auction it desires or set up entirely new auctions of its own with Government funds. Who is allowed to live or who must die lies, in the final analysis, in the hands of mere men with changing fancies, desires, and designs, and with all the inevitable frailties of human wisdom, pressure, and influence. With the entire machinery in hand and a complete knowledge of the business of the independent grower and the present efficient cooperatives which have built up their business on their own initiative, with the actual or implied control of auctions, terminals, and wholesalers, the power is present to crush all of those producers, cooperatives, and everyone else who does not obey orders and lick the hands of those who may or may not feed them. I submit that to grant any such possible powers, whether used or not, to mere humans is contrary to all the principles of American Government and even elemental wisdom.

As to exports of apples, the industry is in the gravest danger under these bills, and especially the so-called stabilization provisions. The industry during the course of half a century has developed on its own initiative a very extensive export trade in apples. This year it amounted to nearly 3,000,000 barrels and nearly 11,000,000 boxes from the United States. We export to China, the Philippines, Central and South America, the United Kingdom, continental Europe, Scandinavia, Egypt, and other countries. This year we have reached countries never before reached. We were just starting to develop Spanish markets when the recent ironclad embargo against our fruit was promulgated by Spain. Foreign cash purchases for both future and immediate delivery have greatly increased. Foreign financing is extensive and increasing.

This has all been built up by mutual confidence in the stability of conditions and by the initiative of the industry. With a Government-financed stabilization corporation holding large blocks which it can dump in foreign markets at any time, foreign purchases and financing will have to cease. No person in his right mind would dare purchase or risk his money or credit in competition with an actual or quasi governmental agency financed from the Federal Treasury. Precisely the same thing applies to domestic markets. One would scarcely dare buy on even a hand-to-mouth basis. Both foreign and domestic markets are at the mercy of this stabilization corporation, with no money of its own to lose.

Many of our grower members and grower cooperatives have developed an extensive export trade, based on the ability to satisfy foreign requirements as to sizes, grades, varieties, etc. Along comes the stabilization corporation and dumps all kinds of sizes, grades, and varieties against them. The entire structure from the producer and exporter to the foreign purchaser would be destroyed.

Disrupt, endanger, and weaken our foreign apple trade by artificialities, uncertainty, the Government in business—directly or indirectly—and every grower in the country, large and small, and no matter whether he is an exporter or not, or is in exporting territory, will pay the penalty. Stop any substantial part of our exports, throw back on domestic markets a material part of 3,000,000 barrels and 11,000,000 boxes and chaos will prevail on domestic markets in all sections. It needs to be borne in mind that no foreign country, and no foreign purchaser is under any sentimental or other obligation to support one of our stabilization corporations, nor to prejudice their interests or capital. You may also be sure that the growers of the United Kingdom, Holland, Germany, and elsewhere are not going to be made the dumping ground of a stabilization corporation entirely outside economic law if they can help it.

It is idle to say that any farm board or any stabilization corporation have either the knowledge, experience, or wisdom to handle wisely the multitude of economic complexities that are involved and that have been worked out by the impact of economic law for 50 years, no matter how good the intention of such agencies may be. The minute you inject artificialities, that minute trouble starts. No mere human being has ever been created who could foretell the ultimate results of such acts in a vast economic structure involving many lands.

One of the powers of the farm board as to stabilization corporations to which I call your attention is to "designate from time to time, as an agricultural commodity (1) any regional or market classification or type of any agricultural commodity which is so different in use or marketing methods from other such classifications or types of the commodity as to require, in the judgment of the board, treatment as a separate commodity under this act; or (2) any two or more agricultural commodities which are so closely related in use or marketing methods as to require, in the judgment of the board, joint treatment as a single commodity under this act."

Under the foregoing, the board can group certain areas, sections, States, or commodities, with the entire possibility that one of those areas, sections, States, or commodities will be the dominant factor in control of the stabilization corporation.

The Packer, one of the largest fruit and vegetable newspapers published in the United States, in its issue of May 11 carried a news item to the effect that men in California had already filed articles of incorporation for a Federal fruit stabilization corporation. I quote from the Packer article as follows:

"FRESNO, CALIF., May 10.—Creation of the Federal Fruit Stabilization Corporation, a gigantic company that has for its purpose the outright purchase of deciduous fruits and raisins, with funds to be made available under terms of the farm relief bill now before Congress, and the merger of eight of the State's largest fruit products manufacturers into a $15,000,000 organization was announced Tuesday night, etc."

We have been told that the stabilization corporations were to be "grower owned and grower controlled."

The great majority of responsible farm organizations are not in favor of these measures. Practically none of the things they have wanted in the way they wanted them have been granted. The great dairy cooperatives, composed of 44 groups with over 300,000 members and extending from coast to coast, have been opposed to practically all phases of the bill. The official representative of the Farm Bureau was fearful of the probability of stabilization at a low level to the producer and was not sympathetic to the loose loaning of money without obligation to repay. The largest cotton cooperative was even stronger. All thinking persons fully realize that, among other things, so-called stabilization means a low price level to the producer.

The vast majority of our own grower and grower cooperative members from coast to coast, and representing the outstanding leadership in the apple industry from the producing end, are opposed to being included in the stabilization provisions and have repeatedly and insistently requested, urged, and demanded that apples be excluded from all stabilization provisions. These requests have been persistently disregarded. Truly, it is an amazing situation.

EXTENSION OF REMARKS—THE TARIFF BILL

Mr. WATRES. Mr. Speaker, while it is recognized that the chief interest of the Congress at this special session is to enact legislation which will help agriculture, a proper consideration of H. R. 2667 involves also a survey of industrial conditions generally.

While the anthracite-coal industry has not asked for a tariff on its products at this time, conditions surrounding it are such as to warrant calling them to the attention of the Congress. The reasons for so doing are twofold:

First. For more than three years past the industry has had to contend with many adverse factors which have greatly depressed the industry. Thousands of workmen engaged in the mining and preparation of coal have been employed only a small part of their time or have been entirely out of work.

Second. Anthracite coal from foreign markets, principally from Great Britain, is being mined, prepared for market, transported, and laid down for sale in our eastern cities at a lower price than coal can be mined and shipped by railroad to these same seaports from Pennsylvania. There was imported into

this country during the year 1928, 342,488 tons of anthracite coal, the greater part of which came from Great Britain. This coal undersold Pennsylvania anthracite in the New England market by $2.50 to $3 per ton. It was not equal in quality to Pennsylvania anthracite, but it seriously affected the New England market.

During the six months ending February 28, 1929, a total of 174,474 tons of anthracite coal was imported from Great Britain, valued at $1,282,242, and 48,574 tons of briquettes were imported from Germany, valued at $265,577. There were also importations of Russian anthracite of a very much better grade of coal, and said to be equal to Pennsylvania anthracite in quality, amounting to approximately 15,000 tons per month.

Notwithstanding these importations of foreign coal and the adverse effect on the market for domestic anthracite on the Atlantic seaboard, the anthracite industry has not made a request at this time for a tariff. Should the importations of anthracite from Great Britain, Germany, and other countries materially increase in volume, it would at once become a matter of grave importance to protect that industry. This would be absolutely essential in order to protect it against cheaper labor costs and cheaper transportation which the foreign coals enjoy.

The entire section which I represent in Congress depends on the anthracite industry for its existence. Its whole commercial structure is built on this industry, and if importations of coal should increase in volume it would be necessary to ask Congress through special legislation to provide protection for the products of the anthracite coal fields.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 28, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

21. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting drafts of six bills, respectively, for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, and Athanasios Metaxioti, who were injured in the line of duty on the Panama Canal (H. Doc. 21), was taken from the Speaker's table and referred to the Committee on Claims and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SIMMONS: A bill (H. R. 3448) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries"; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 81) naming the Hoover Dam; to the Committee on Irrigation and Reclamation.

By Mr. WOOD: Joint resolution (H. J. Res. 82) making appropriations for additional compensation for transportation of the mail by railroad routes in accordance with the increased rates fixed by the Interstate Commerce Commission; to the Committee on Appropriations.

Also, joint resolution (H. J. Res. 83) to make available funds for carrying into effect the public resolution of February 20, 1929, as amended, concerning the cessions of certain islands of the Samoan group to the United States; to the Committee on Appropriations.

Also, joint resolution (H. J. Res. 84) extending until June 30, 1930, the availability of the appropriation for enlarging and relocating the Botanic Garden; to the Committee on Appropriations.

By Mr. FISH: Resolution (H. Res. 48) for the appointment of a select committee of five Members of the House to inquire into old-age pensions, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the Territory of Alaska, favoring the amending of the fishing laws in Alaska; to the Committee on the Merchant Marine and Fisheries.

Memorial of the Legislature of the Territory of Alaska, favoring the restriction of fishing for herring in Alaska; to the Committee on the Merchant Marine and Fisheries.

Memorial of the Legislature of the Territory of Alaska, favoring the conferring of full citizenship on Indians in Alaska; to the Committee on Immigration and Naturalization.

Memorial of the Legislature of the Territory of Alaska, regarding the fishing for salmon in the Yukon River; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 3449) granting a pension to Annie Brown; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 3450) granting an increase of pension to Magdalene Crim; to the Committee on Invalid Pensions.

By Mr. BRUNNER: A bill (H. R. 3451) granting an honorable discharge to Thomas P. McSherry; to the Committee on Naval Affairs.

By Mr. CHASE: A bill (H. R. 3452) granting a pension to John H. Raymond; to the Committee on Pensions.

By Mr. CULLEN: A bill (H. R. 3453) for the relief of Benjamin Hagerty; to the Committee on Military Affairs.

By Mr. DEROUEN: A bill (H. R. 3454) granting a pension to Emma Dell Franklin; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 3455) for the relief of A. D. Rieger; to the Committee on Naval Affairs.

By Mr. FITZPATRICK: A bill (H. R. 3456) granting a pension to Elia Rodde; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 3457) granting a pension to Marie Thorson; to the Committee on Pensions.

By Mr. GREGORY: A bill (H. R. 3458) for the relief of Arthur B. Fleming; to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 3459) granting a pension to Carrie M. Foss; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 3460) granting a pension to Nora Hicks; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 3461) granting a pension to Joseph M. Cameron; to the Committee on Invalid Pensions.

By Mr. KADING: A bill (H. R. 3462) granting a pension to Emma Burgess Wing; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 3463) granting a pension to Anna Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3464) granting a pension to Mary Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3465) granting a pension to Zue McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3466) granting a pension to George A. Credit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3467) granting a pension to Grover C. Pollard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3468) granting an increase of pension to Sarah Snelling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3469) granting an increase of pension to Sarah M. Templeton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3470) granting an increase of pension to Rebecca Flack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3471) granting an increase of pension to Lovina Steelman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3472) granting an increase of pension to Rebecca E. Dwyer; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 3473) for the relief of John W. McCulloch; to the Committee on Military Affairs.

Also, a bill (H. R. 3474) for the relief of Alvin H. Tinker; to the Committee on Military Affairs.

Also, a bill (H. R. 3475) for the relief of Walter Malone; to the Committee on Military Affairs.

Also, a bill (H. R. 3476) for the relief of Alfred O. Huestis; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 3477) granting a pension to Margaret C. Boyle; to the Committee on Pensions.

Also, a bill (H. R. 3478) granting an increase of pension to Emma Hulslander; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 3479) granting a pension to Charlye H. Lannert; to the Committee on Pensions.

Also, a bill (H. R. 3480) granting a pension to Clara Laflin; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 3481) granting a pension to Mary Euphema Heard; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 3482) granting an increase of pension to Fannie P. Stutsman; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 3483) granting a pension to Sarah Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3484) granting an increase of pension to Nannie E. Lindy; to the Committee on Invalid Pensions.

By Mr. SANDLIN: A bill (H. R. 3485) granting an increase of pension to Emma J. Fouts; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 3486) granting a pension to Susan Shellito; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 3487) granting a pension to Sarah E. Swick; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 3488) for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith; to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 3489) granting a pension to Florence Jones; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

524. Petition of the League of Women Voters of the Territory of Hawaii, urging Congress of the United States to amend the organic act of the Territory of Hawaii to enable women to serve as jurors; to the Committee on the Judiciary.

525. By Mr. BAIRD: Petition of 28 members of Woman's Relief Corps, No. 85, of Bowling Green, Ohio, requesting that the Invalid Pensions Committee be organized at the present session to permit action on the Robinson bill, providing for a pension of $50 a month for widows of Union veterans of the Civil War; to the Committee on Invalid Pensions.

526. By Mr. CULLEN: Petition of employers and workers of the Philadelphia (Pa.), Camden (N. J.), and Wilmington (Del.) kid-leather producing district, petitioning Congress to provide for a tax of 20 per cent on finished kid leathers imported into the United States, as well as a duty of 30 per cent in glove leathers and leathers made from the skins of reptiles and fish; to the Committee on Ways and Means.

527. By Mr. GARBER of Oklahoma: Petition of the National Grange, urging support of the debenture plan of farm relief; to the Committee on Agriculture.

528. Also, petition of the Enid Ice & Fuel Co., Enid, Okla., in opposition to the proposed increase in tariff on granulated cork and cork board; to the Committee on Ways and Means.

529. Also, petition of the Louisiana Tax Commission, urging the levying of an import duty upon crude petroleum of not less than $1 per barrel; to the Committee on Ways and Means.

530. Also, petition of the S. K. McCall Co., Norman, Okla., in opposition to the proposed increased tariff rates on ladies' overseamed hand-sewed kid and lamb gloves; to the Committee on Ways and Means.

531. By Mr. McCORMACK of Massachusetts: Petition of Nathan Goldberg, 1100–A Blue Hill Avenue, Dorchester, Mass., protesting against assessment of duty on hides; to the Committee on Ways and Means.

532. Also, petition of Massachusetts Department, Veterans of Foreign Wars, Joseph H. Hanken, commander, Boston, Mass., urging extension of section 14, World War veterans' act, as amended May 29, 1928, as less than one-half of 1 per cent of veterans affected in Massachusetts are acquainted with their rights and it is too late for them to commence suit now; to the Committee on World War Veterans' Legislation.

533. Also, petition of C. Brown, 401 Broadway, South Boston, Mass., protesting against assessment of duty on hides; to the Committee on Ways and Means.

534. By Mr. MICHENER: Petition of sundry citizens of Wyandotte, Mich., asking for organization of the Committee on Invalid Pensions for consideration of the Robinson bill at the special session of Congress; to the Committee on Invalid Pensions.

535. By Mr. SPEAKS: Papers to accompany House bill 3438, granting an increase of pension to Anna O'Neil; to the Committee on Pensions.

536. Also, papers to accompany House bill 3439, granting an increase of pension to Rebecca A. Paugh; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *May 28, 1929*

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

PETITIONS

The VICE PRESIDENT laid before the Senate the petition of the pastor and members of the Methodist Episcopal Church of Punta Gorda, Fla., praying that the preamble of the National Constitution be amended so as to include therein the words "devoutly recognizing the authority and law of Jesus Christ, the Saviour and King of nations," which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the League of Women Voters of the Territory of Hawaii, favoring the passage of legislation amending the organic act of the Territory of Hawaii, so as to enable women to serve as jurors in that Territory, which was referred to the Committee on Territories and Insular Possessions.

Mr. JONES presented a petition of sundry citizens of Hoquiam, Wash., praying for the repeal of the national-origins provision of the immigration law and for the continuance of immigration quotas based on 2 per cent of the 1890 census, which was referred to the Committee on Immigration.

REPORTS OF THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1142) to continue during the fiscal year 1930 Federal aid in rehabilitating farm lands in the areas devastated by floods in 1927, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, reported it without amendment and submitted a report (No. 17) thereon.

PRINTING OF ADDITIONAL COPIES OF THE RECORD

The VICE PRESIDENT. The Senator from Alabama [Mr. HEFLIN] is entitled to the floor on the unfinished business.

Mr. HEFLIN. Mr. President, before I proceed with my discussion of the pending amendment to the census and reapportionment bill, I desire to reintroduce a bill which I had previously introduced in a former session and which was referred to the Committee on Printing. It is a bill to provide for an additional supply of copies of the CONGRESSIONAL RECORD to Members of Congress and other officials of the Government.

Mr. WALSH of Massachusetts. Mr. President, may I say that the Committee on Printing has had under consideration the bill which the Senator introduced at the former session and it has met with the approval of the committee? It will be immediately reported and action will be asked upon it. The committee has discussed the matter and is in full accord with the Senator's views on the question.

Mr. HEFLIN. I thank the Senator. Some additions have been made to the bill I now introduce. The committee thought and I thought that the various Government bureaus, the Federal Trade Commission, the Interstate Commerce Commission, and similar bodies should receive the CONGRESSIONAL RECORD daily and that no Government bureau should have to buy copies of the RECORD.

The bill (S. 1312) to amend sections 182, 183, and 184 of chapter 6 of title 44 of the United States Code, approved June 30, 1926, relative to the printing and distribution of the CONGRESSIONAL RECORD, was read twice by its title and referred to the Committee on Printing.

Several Senators addressed the Chair.

Mr. HEFLIN. Mr. President, I can not yield any further, because the introduction of bills, and so forth, would come out of my time. I trust that we can finish with the bill to-morrow night and that we can have a morning hour when all routine matters can be attended to.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT'S amendment.

EXCLUDING ALIENS

Mr. HEFLIN. Mr. President, the greatest constitutional lawyer, perhaps, in either branch of Congress, Representative TUCKER, of Virginia, holds that the amendment to exclude aliens is constitutional. I am heartily in favor of excluding them. The constitutionality of the question has been settled in a satisfactory manner, so far as I am concerned. Any Senator who wants to vote to exclude aliens, who wants to prevent in the future the sending of Members to Congress based upon alien population, can justify his vote on the constitutionality of the question by the speech on that subject by Congressman TUCKER, from Virginia.

But I think every Member is justified in voting to exclude aliens, because it is best for the country that they be excluded. We have a serious problem here in this question, one that affects the whole population, one that affects the present welfare and the future welfare of our country. The time has come for